

Remarks on The Oude
Question

Sas.
Librarian

Uttarpara Joykrishna Public Library
Govt. of West Bengal

A
B I L L



INTITULED

An Act for establishing certain Regulations, for the better Management of the Territories, Revenues, and Commerce of this Kingdom, in the East-Indies.

WHEREAS Disorders of an alarming Nature and Magnitude have long prevailed, and do still continue and increase, in the Management of the Territorial Possessions, the Revenues and the Commerce of this Kingdom in the East-Indies; by Means whereof the Prosperity of the Natives hath been greatly diminished, and the valuable Interests of this Nation, in the said Territorial Possessions, Revenues, and Commerce, have been materially impaired, and would probably fall into utter Ruin, if an immediate and fitting Remedy were not provided: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lord's Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Government and Management of the Territorial Possessions, Revenues, and Commerce, of the United Company of Merchants of England trading to the East Indies, by the Directors and Proprietors of the said Company, or either of them; and all and singular the Powers and Authorities of the said Directors and Proprietors, or of any Special, or General, or other Court thereof, in the ordering and managing the said Possessions, Revenues, and Commerce; and all Elections of Directors of the said United Company, be, and are hereby declared to be discontinued, for and during the Continuance of this Act; any Charter, Usage, Law, or Statute, to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid, That, for the better governing, ordering, and managing the said Territorial Possessions, Revenues, and Commerce, the Right Honourable William Earl Fitzwilliam the Right Honourable Frederick Montagu, the Right Honourable George Legge, commonly called Lord Viscount Lewisham, the Honourable George Augustus North, Sir Gilbert Elliot Baronet, Sir Henry Fletcher Baronet, and Robert Gregory Esquire, shall be, and they are hereby constituted and appointed Directors of the said United Company, and shall be, and they are hereby constituted Members of the said Company; and that the said Directors hereby appointed, or any Three of them, shall have, use, possess, and exercise, all and singular the Powers and Authorities which have been, at any Time heretofore, vested in, or lawfully exercised by the said Directors hereby discontinued, or Proprietors, or by the General Court of Proprietors, of the said United Company, and all such further and other Powers and Authorities, and under such Directions, and subject to such Limitations and Restrictions, as in this Act, or in any other Act, the Provisions whereof are not hereby altered or repealed, are contained, for the Government and Management of the said Territorial Possessions, Revenues, and Commerce, of the said United Company, or in anywise relative thereto.

And be it further enacted by the Authority aforesaid, That the said Directors hereby appointed shall, and they are hereby authorized and empowered, immediately from and after the Commencement of this Act, to enter into and upon, and to possess themselves of all Lands, Tenements, Houses, Warehouses, and other Buildings whatever, of or belonging

the Company; and also to take into their Custody and Possession all Books, Records, Documents, Charters, Acts, Instruments, Letters, and other Papers whatsoever; and also all Ships and Vessels, Goods, Wares, Merchandizes, Money, Securities for Money, and all other Effects whatsoever, of or belonging to the said United Company, in Trust for, and for the Benefit of the Proprietors thereof, and to have, hold, and possess the same, in like Manner as they were held and possessed by the Directors hereby discontinued, subject to such Charges, Claims, and Demands, as do or may affect the same; which Directors so discontinued, and all other Officers and Servants of the said United Company, are hereby enjoined, immediately upon the Requisition of the said Directors hereby appointed, signified under their Hands and Seals, or the Hands and Seals of any Three of them, to deliver to them, or to such Person or Persons as they shall for that Purpose appoint, all such Lands, Tenements, Houses, Warehouses, Buildings, Books, Records, Documents, Charters, Acts, Instruments, Papers, Ships, Vessels, Goods, Wares, and Merchandizes, Money, Securities for Money, and all other Effects whatsoever.

Provided always, and be it further enacted, That all the Lands, Tenements, Houses, Warehouses, and other Buildings whatever, of or belonging to the said United Company; and also all Books, Records, Documents, Charters, Acts, Instruments, Letters, and other Papers whatsoever; and also all Ships and Vessels, Goods, Wares, Merchandizes, Money, Securities for Money, and all other Effects whatsoever, of or belonging to the said United Company, shall be and remain the Property of the said Company; and that the said Company shall have, use, and enjoy, the exclusive Trade and Commerce heretofore granted and now enjoyed by them, and shall have and enjoy all Benefit and Advantage arising from the Territorial Acquisitions and Revenues lately obtained in the East-Indies, in the same Manner, and for the same Term, and in such Proportions, as the same are now secured to them; and that all and every the Rights, Interests, Privileges, and Authorities, which are now vested in the said Company, and which are not hereby taken away, altered, or varied, shall remain, and continue in, the said Company; and that the said Company shall be answerable for, and be liable to be sued for, all Debts, Covenants, Contracts, and Demands whatsoever, in as full and ample Manner, to all Intents and Purposes whatsoever, as if this Act had never been made.

And, for the sole Purpose of ordering and managing the Commerce of the said United Company, under and subject to the Orders and Directions of the said Directors hereby appointed, be it further enacted by the Authority aforesaid, That Thomas Cheap Esquire, George Cuming Esquire, Richard Hall Esquire, John Harrison Esquire, Joseph Sparkes Esquire, John Michie Esquire, John Smith Esquire, George Tatam Esquire, and James Moslett Esquire, being Proprietors, each of them, of Two thousand Pounds Capital Stock in the said United Company, at least, shall be Assistant Directors, for the Purpose last aforesaid; and shall, from Time to Time, without Requisition, and also as often as they shall be thereunto required, render an Account of their Proceedings to the said Directors hereby appointed; and in all Matters and Things whatsoever, shall pursue and follow such Orders and Directions, as they shall from Time to Time receive from such Directors.

And be it further enacted by the Authority aforesaid, That the Directors hereby appointed shall, before they shall execute or act in the said Office of Director hereby appointed, take the following Oath:

“ I *A. B.* do faithfully and truly swear, That, in the Office of a Director of the United Company of Merchants of England trading to the East-Indies, I will be true, silent, and equal to all Masters of Persons, and I will give my best Advice and Assistance for the Support and Government of the said Company, and for the good Management of the Territorial Possessions, the Revenues, and the Commerce of this Kingdom in the East Indies; and in the Execution of the said Office of Director, I will faithfully and honestly demean myself, according to the best of my Skill and Understanding.”

Which said Oath, any Two of the Directors hereby appointed shall from Time to Time have Power to administer. And that the Assistant Directors of the said Company, before they shall execute or act in the Office of Assistant Director, shall take the following Oath:

“ I *A. B.*

" I *A. B.* do faithfully promise and swear, That, in the Office of Assistant Director of the United Company of Merchants of England trading to the East-Indies, I will be indifferent and equal to all Manner of Persons, and I will give, my best Advice and Assistance for the carrying on, managing, and improving, the Trade and Commerce of the said Company; and in the Execution of the said Office of Assistant Director I will faithfully and honestly demean myself according to the best of my Skill and Understanding."

Which said last mentioned Oath any Two of the Directors hereby appointed shall from Time to Time have Power to administer.

And be it further enacted by the Authority aforesaid, That in case any Vacancy or Vacancies shall happen in the Office of the said Directors hereby appointed, by Death, Resignation, Removal, or otherwise, such Vacancy or Vacancies shall be filled by his Majesty, under his Sign Manual.

And be it further enacted by the Authority aforesaid, That in case any Vacancy or Vacancies shall happen in the Office of the said Assistant Directors, by Death, Resignation, Removal, or otherwise, such Vacancy or Vacancies shall be filled by the Majority of the Proprietors of the said United Company, qualified in the Manner required by an Act of the Thirteenth Year of his present Majesty, intituled, "An Act for establishing certain Regulations, for the better Management of the Affairs of the East-India Company, as well in India as in Europe;" which Proprietors, at such Election of any Assistant Director, shall not vote by Ballot, or in any other covert or concealed Manner, but in an open Court, for that Purpose only specially summoned; and every such Proprietor, in giving his or her Vote, shall subscribe his or her Name, in a Book to be prepared for that Purpose, under the Name of the Person for whom he or she shall vote.

And be it further enacted by the Authority aforesaid, That if Five of the said Directors hereby appointed, who shall be present at any Meeting, shall, upon Enquiry, and after Examination into the Conduct and Behaviour of the said Assistant Directors, find that any of them is guilty of Neglect or Misdemeanor in the Execution of his said Office, or of wilful Disobedience of any Order or Orders of the said Directors hereby appointed, they are hereby authorized and empowered to remove and displace such Assistant Director; entering in their Journals their Reasons respectively, for removing or displacing such Assistant Director, signed with their respective Names.

And be it further enacted by the Authority aforesaid, That the said William Earl Fitzwilliam shall be, during his Continuance as a Director by virtue of this Act, Chairman of the Board of Directors, and the said Right Honourable Frederick Manners, Deputy Chairman thereof; and if the said Chairman shall die, resign, or be removed from such Office of Director, at any Time during the Continuance of this Act, then and in that Case the said Deputy Chairman shall succeed to the Office of Chairman of the said Board of Directors; and if the said Deputy Chairman being become Chairman of the said Board of Directors shall also die, resign, or be removed from the said Office of a Director, then and in that Case, and also in every other Case of a Vacancy in the Office of Chairman of the said Board of Directors, the said Directors hereby appointed shall choose and elect One of themselves to supply such Vacancy, and in a Writing, to be signed by Subscription or otherwise, shall at any Time happen in the said Office of Deputy Chairman of the said Board of Directors, established by this Act, the said Directors hereby appointed shall, in like Manner, choose and elect One of themselves to supply such Vacancy.

And be it further enacted by the Authority aforesaid, That the said Chairman of the said Board of Directors, or, in his Absence, the said Deputy Chairman, shall have Power to call or summon any extraordinary Meeting of the said Directors hereby appointed, at such Time or Times as he shall think expedient; and every, at any Meeting whatever of such Directors, if he shall think fit, propose the Business to be first considered by such Directors at such Meeting; and in case of an equal Division of Votes on any Question whatever before the said Board of Directors, that the casting Voice: Provided always, That nothing herein contained shall prevent the Majority of such Directors present at any Meeting, from adjourning their Meetings to such Time or Times as they shall think proper.

And be it further enacted by the Authority aforesaid, That it shall not be lawful for the said Directors hereby appointed, or any of them, upon any Question whatever, to vote by Ballot, or in any other covert Manner; and that in any Difference of Opinion, except as to the Election to Office, of Persons not having before been in the Service of the said United Company, the said Directors (as well the Majority as those who shall dissent)

diffent) shall each of them enter, on the Journals of the said Directors, his Reasons for his Vote, signed with his Name, or his Adherence to the Reasons entered by any other Director.

And be it further enacted by the Authority aforesaid, That no Person directly or indirectly furnishing the said United Company with Shipping, or furnishing the said United Company, or their Servants, with any Article of their Investment outwards, either from Great Britain, or from such Ports and Places as the Company's Ships have Occasion to touch at in their Way to India, or with any Naval or Military Stores, or concerned in buying and selling any Commodity of the said United Company's Importation, shall be capable of being a Director, or Assistant Director, for the Execution of this Act.

And be it also enacted by the Authority aforesaid, That no Person shall be capable of being a Director, or Assistant Director, for the Execution of this Act, against whom the Charge of any corrupt Practice, Peculation, or Oppression in India, doth or shall appear in the Records of the said United Company within the Space of Two Years before the Time of his Nomination, or shall be made upon Oath before the said Directors hereby appointed within the Space of Two Years before the Time of his Nomination, until such Directors, or Three of them, shall have examined into the same, and shall have severally declared that they have examined into the said Charge, and do in their Conscience believe such Person not guilty of the said Charge; or that they do, upon the said Examination find the said Charge not of sufficient Importance to exclude the said Person from the said Office of Director, or Assistant Director, as the Case may be; and that they have entered upon their Journals their Reasons for such their Opinion.

And be it further enacted by the Authority aforesaid, That no Person who hath been, now is, or shall hereafter be, in the Service of the said United Company in India, shall be capable of being a Director, or Assistant Director, for the Execution of this Act, within the Space of Two Years from the Time of his last Return from India.

And be it further enacted by the Authority aforesaid, That the said Directors hereby appointed shall, Once in every Six Months, lay before the Proprietors of the said United Company, in a General Court to be for that Purpose assembled, an exact State of the Debts and Credits of the said United Company; the first Cost and Charges of their Investments, outward and inward; with the Sums of Money in India, applicable to an Investment, according to the last Accounts received therefrom; an Account of the Shipping; an Account of the Produce of the Sales; and the State of the Warehouses at Home and Abroad.

Provided always, and be it further enacted, That it shall not be lawful for the said Proprietors to summon or assemble any General Court (except at the Times and for the Purposes mentioned in this Act) more than Once in every Three Months; and that it shall be lawful for them so to assemble Once in every Three Months, upon a General Court being summoned or called by the said Directors hereby appointed, or Three of them, who are hereby authorized to summon or call such General Court once in every Three Months, upon Demand being made to them by any Nine or more of the Members of the said Company, having each of them Five hundred Pounds, or more, Interest or Share of the Stock of the said Company, within Ten Days after such Demand; and in Default of the said Directors, or Three of them, summoning or calling such General Court, it shall be lawful for the said Nine or more Members, having each Five hundred Pounds Stock as aforesaid, upon Ten Days Notice in Writing, to be fixed upon the Royal Exchange in London, to summon and hold a General Court.

And be it further enacted by the Authority aforesaid, That the said Directors hereby appointed shall, within Twenty Days after the Commencement of every Session of Parliament, lay before the Lords Commissioners of his Majesty's Treasury (who are hereby authorized and required, without Loss of Time, to lay the same before both Houses of Parliament) an Account of the Produce of the Territorial and other Revenues of the said United Company in India; and also Estimates of the Civil, Military, and Naval Establishments there; together with a State of the Bond and other Debts due from the said United Company in India, distinguishing what belongs to each of the principal Presidencies and Settlements of the said United Company in India; and also the State of the Trade, laid by the said Directors before the said Proprietors at their then last General Court.

And be it further enacted by the Authority aforesaid, That the said Directors hereby appointed, or the major Part of them, shall have full Power and Authority to remove, displace, suspend, appoint, confirm, or restore, all and every Person or Persons whatsoever,

ever, from or to any Office, Station, or Capacity whatsoever, Civil or Military, in the Service of the said United Company, or any way concerned in the Management of their Affairs within this Kingdom, or in India, whether any such Person or Persons shall have been nominated or appointed in and by any Act or Acts of Parliament, or howsoever otherwise nominated or appointed, except as is herein provided and established, as to the Appointment and Removal of such Directors themselves, and of the said Assistant Directors.

And, for the more speedy and effectual Punishment of Offences committed in India, by Persons employed in the Service of the said Company, be it enacted by the Authority aforesaid, That whenever any Charge of Corruption, Peculation, Oppression, Extortion, Receipt of Presents, Usury, Breach of Orders, or other grievous Offence, shall be exhibited or made before the Governor-General and Council of Bengal, or the President and Council of any of the Presidencies or Settlements Abroad, of the said United Company, and transmitted from thence to the Court of Directors hereby discontinued, or to the said Directors hereby appointed, against any of the said Governors, Presidents, or Members of the Council, of any of the said Presidencies or Settlements of the said United Company, or others, in any Office, Station, or Employment, Civil or Military, in the said United Company's Service; or which shall be exhibited or made by any of the Native Princes, dependent upon or under the Protection of the said United Company, against any such Person or Persons; the said Directors hereby appointed shall, within Twenty Days after the same shall be received, enter into an Examination of such Charge: And it, upon or in consequence of such Examination, such Directors shall not think proper either to recall or order a Prosecution against such Person so charged, each and every such Director making such Examination as aforesaid into such Charge, shall enter in Writing, and subscribe with his Name in the Journals of such Directors, his Opinion on the Validity and Importance of such Charge, with his specific Reasons, on the particular Case, for not recalling the Person so charged, or for not ordering a Prosecution upon such Charge.

And be it further enacted by the Authority aforesaid, That before any Person or Persons whatsoever, who have been, are, or shall hereafter be, in the Service of the said United Company, in any Office, Station, or Employment whatsoever, Civil or Military, in any of the Presidencies or Settlements of the said United Company Abroad; and who have been, or are, or shall be, in Great Britain after such Service Abroad; and against whom any Charge shall appear upon any Part of the Company's Records, or shall have been made to the said Court of Directors hereby discontinued, or General Court of Proprietors, or shall be made or exhibited to the said Directors hereby appointed; shall be permitted by the said Directors hereby appointed to return to any Part of India, either in the same, or in any other Office, Station, or Employment, in the Service of the said United Company; and also, before the said Directors hereby appointed shall confirm the Appointment, or suffer the Departure from Great Britain, for India, of any Person or Persons who may have been or shall be appointed to any Office, Station, or Employment whatsoever, in the Service of the said United Company, and against whom any such Charge shall appear, or shall have been made, or shall be made as aforesaid; and also before the said Directors hereby appointed, shall themselves appoint any Person, having before been in the Service of the said United Company, to any Office, Station, or Employment whatsoever, in the said United Company's Service, and against whom any such Charge shall appear, or shall have been made, or shall be made as aforesaid; the said Directors hereby appointed shall, and they are hereby required, to make a full and particular Examination and Enquiry into the Conduct of every such Person, relative to the said Service, and the Subject Matter of such Charge: and shall enter on their Journals their Reasons for permitting any such Person to return, or confirming the Appointment, and permitting the Departure of any such Person, or for themselves appointing any such Person (as the Case may be) notwithstanding such Charge.

And be it further enacted by the Authority aforesaid, That in case of any Disputes, Differences, or Controversies whatsoever, which have arisen and are depending, or which shall or may hereafter arise, between the Governor General and Council of Bengal; or between any of the Presidents of any other of the Settlements of the said United Company, and their respective Councils; or between any of the subordinate Chiefs and their Councils; or between the Government of one Settlement and the Government of any other Settlement; or between any of the Governors or presiding Powers of

any of the subordinate Settlements; the said Directors hereby appointed shall, within **Twenty Days** after the Receipt of any official Account of any such Dispute, Difference, or Controversy, enter upon an Examination and Enquiry into the same; and shall, within **Three Months** thereafter, either come to a definitive Decision thereupon, or enter upon their Journals their Reasons, signed with their respective Names, for not coming to such definitive Decision.

And be it further enacted by the Authority aforesaid, That if at any Time the Governor General and Council of Bengal, or the President and Council of any of the principal or subordinate Settlements, shall require the Direction or Opinion of the said Directors hereby appointed, on any Matter whatsoever for the Government of such Governor General and Council, or President and Council, or for the Settlement or Accommodation of any Matter in Dispute, or likely to come into Dispute, between or among them, or any of them; the said Directors shall return an Answer, Opinion, or Direction, to such Requisition, within **Three Months** after receiving the Letter or Letters containing the same, or enter upon their Journals their Reasons, signed with their respective Names, for not sending the same within the Time aforesaid.

And be it enacted by the Authority aforesaid, That if at any Time any Complaint shall be made of any Breach of Treaty, Injury, Wrong, or Grievance, done or committed against any Native Prince in India, by any of the Governments of the said United Company's Settlements, or any Officer or other Person, Civil or Military, in the Service of the said United Company; or if any such Breach of Treaty, Injury, Wrong, or Grievance, shall (without Complaint being made thereof) appear upon any Part of the Correspondence relative to the said United Company's Affairs; the said Directors hereby appointed shall, as speedily as may be, enquire into such Breach of Treaty, Injury, Wrong, or Grievance; and shall begin their Examination into the same, by reading and considering any Treaties, Agreements, or Assurances, subsisting between the said United Company and such Native Prince, or any way relative to him, in any such there shall be, or any Orders which may have been given by the Court of Directors hereby discontinued, or General Court of Proprietors, relative to such Native Prince; and the said Directors hereby appointed shall do full and complete Justice to such Native Prince for such Breach of Treaty, Injury, Wrong, or Grievance, and on every material Article and Head of Charge (if there be more than One) specifically, and not upon the Whole of such Charge in Gross.

And whereas by the Charter of the said Company, granted in the Tenth Year of King William the Third, all and every Members of the said Company, thereby qualified to be Electors of the Directors of the said Company, have Power and are authorised, in their General Courts or Assemblies, by Majority of their Voter, to make and constitute reasonable Bye-laws, Constitutions, Orders and Ordinances, from Time to Time, as well for raising and calling in and Payment of Monies for an additional Joint Stock for the better carrying on and managing the said Trade, and for the applying and proportioning the Profit, Advantage, and Produce arising by the Joint Stock and Trade, as for the good Government of the said Trade to the East Indies, and other the Parts aforesaid, and of the Factors, Agents, Officers, and others concerned in the same, and to inflict reasonable Penalties and Punishments, by Imprisonments, Mulcts, Fines, or Amerciaments, for any Breach or Breaches thereof, and to levy such Fines, Mulcts, or Amerciaments, to the Use of the said Company, and their Successors, so that such Bye-laws should not be repugnant to the Laws of this Kingdom, and should be confirmed and approved according to the Statutes in such Cases made and provided: And whereas all the Powers and Authorities of the said Members of the said Company are by this Act transferred to, and vested in, the Directors hereby appointed; be it enacted, That the said Directors hereby appointed shall not have any Power or Authority, nor are they hereby empowered or authorised to inflict any Penalty or Punishment by Imprisonment, Mulct, Fine, or Amerciament, for any Breach of any Bye-law, Constitution, Order, or Ordinance, which shall be by them made or constituted, unless such Penalty or Punishment shall be assented to and approved by a Majority of the Members of the said Company having One Thousand Pounds Interest or Share of the said Stock, at a General Court to be assembled by the said Directors hereby appointed for the Purpose of considering such Penalty or Punishment.

And be it further enacted by the Authority aforesaid, That Three, and not less, of the said Directors, shall form a Board for executing this Act, or any of the Powers thereof, or any other Powers vested in or committed to, or which shall be vested in or committed

to such Directors; and the major Part of the Directors present shall determine, except when the Votes shall be equally divided, and then the Chairman, or, in his Absence, the Deputy Chairman, shall have two Voices, or the casting Voice.

And be it further enacted by the Authority aforesaid, That all the Correspondence of the said Directors hereby appointed, with all Persons whatsoever in the Service of the said United Company, shall be signed by the Secretary of such Directors, by Order of the Board.

And whereas, by virtue of the Charter of the said Company, and the Regulations which have from Time to Time been made for the better Government of the said Company, it is required, that certain Acts should be done or consented to, and that certain Accounts should be signed by a particular Number of the Directors hereby discontinued; be it therefore enacted by the Authority aforesaid, That in all Cases whatsoever, where any Act, Matter, or Thing, is directed to be done or consented to, or any Accounts or Writing to be signed by any particular Number of such Directors, such Act, Matter, or Thing, shall, from and after the Commencement of this Act, be done or consented to, and such Accounts or Writing shall be signed by Three of the Directors hereby appointed.

And be it further enacted by the Authority aforesaid, That the said Directors hereby appointed, and Assistant Directors, and each and every of them, during the Continuance of this Act, shall be utterly incapable of taking, holding, or exercising, any Office, Station, or Employment whatsoever, in the Service of the said United Company; and shall also be incapable of taking, holding, or exercising, any other Place of Profit from the Crown, during Pleasure.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for his Majesty to remove any of the said Directors hereby appointed, or Assistant Directors, upon an Address of either House of Parliament.

And whereas a Doubt may arise, whether the Place of Director, when the same shall be held by any Person, to be appointed by his Majesty in Manner herein before provided, be not within the Provision of an Act of the sixth Year of the Reign of Queen Anne (intituled, "An Act for the Security of her Majesty's Person and Government, and of "the Succession to the Crown of Great Britain in the Protestant Line,") although the said Place shall have been created and erected by Authority of Parliament; be it therefore enacted and declared by the Authority aforesaid, That such Office shall not be deemed and taken to be within the Intent and Purview of the said Act; nor shall any Person accepting and holding the same be an Appointment from his Majesty under his Royal Sign Manual, be thereby disqualified from being elected, or sitting and voting as a Member of the House of Commons.

And be it further enacted by the Authority aforesaid, That there shall be allowed and paid for and to each of the Assistant Directors, for so long Time as he shall continue in the Office, a clear yearly Salary of Five hundred Pounds, payable by half-yearly Payments; and that the respective Payments of the said Salaries shall be stated and allowed in the Account of the Disbursements for the Management of the Affairs of the said United East-India Company.

And be it enacted by the Authority aforesaid, That if any Person hereby appointed an Assistant Director of the said United Company shall, at the Time of the Commencement of this Act, be a Member of the House of Commons, the Seat of every such Person in the House of Commons shall from thenceforth be, and is hereby declared to be, void; and no Person appointed by this Act, or who shall hereafter be elected by the Proprietors of the East India Stock, to be an Assistant Director of the said Company, shall be capable of being elected, or of sitting or voting as a Member of the House of Commons, during the Time that he shall continue to be an Assistant Director of the said Company.

And be it further enacted by the Authority aforesaid, That if any Person hereby disabled or declared to be incapable to sit or vote in Parliament shall nevertheless be returned as a Member to serve for any County, Stewartry, City, Borough, Town, Cinque Port, or Place, in Parliament, such Election and Return are hereby enacted and declared to be void: And if any Person hereby disabled, or declared incapable by this Act to be elected, shall presume to sit or vote as a Member of the House of Commons, such Person so sitting or voting shall forfeit the Sum of Five hundred Pounds for every Day in which he shall sit or vote in the said House, to any Person or Persons who shall sue for the same in any of his Majesty's Courts at Westminster; and the Money so forfeited shall be recovered by the Person or Persons so suing, with full Costs of Suit, in any of the said Courts, by any Action of Debt, Bill, Plaint, or Information, in which no Effson, Privilege, Protection,

tection, or Wager of Law, or more than One Imparlance, shall be allowed; or by summary Complaint before the Court of Session in Scotland.

And be it further enacted by the Authority aforesaid, That this Act, and all the Provisions herein contained, shall commence and take Effect from and immediately after this Act shall have received his Majesty's Royal Assent, and shall continue and be in Force for and during the Space of four Years.

And be it enacted by the Authority aforesaid, That this Act shall be construed, adjudged, and taken to be a Publick Act, to all Intents and Purposes whatsoever.



EAST INDIA AFFAIRS.

HOUSE OF COMMONS,

TUESDAY, NOVEMBER 18, 1783.

D E B A T E S

O N

MR. SECRETARY FOX'S BILL,

F O R

VESTING the AFFAIRS of the EAST INDIA COMPANY in the
Hands of certain COMMISSIONERS, for the Benefit of the
PROPRIETORS and the PUBLIC.

MR. Secretary Fox moved, that the Resolutions come to by the House, on the subject of East-India Affairs, in April 1782, and others, which they voted, in May 1782, might be read. This having been complied with, Mr. Fox began his speech with observing, that in the state of responsibility in which those persons stood, who found themselves obliged to come forward, to propose measures of great difficulty and importance to Parliament, it was some comfort at least to feel, that then doing so was not a matter of their own choice, but a matter to which they were urged by the acknowledged and undeniable necessity of the moment: In the present case, the deplorable situation of the East-India Company was well known, and universally admitted, their extreme distress, and the embarrassed state of their affairs, now called for the aid of Government, but required its immediate assistance as the only possible means of averting and preventing the final and complete destruction of the Company's interests; and with them, of materially injuring, if not entirely ruining, the interests of the nation, as far as they were connected with our territorial acquisitions in India. These circumstances being undeniable, arduous and difficult in the extreme as the task he had to himself to perform that day undoubtedly was, it was some consolation and satisfaction to him to know, that he was merely discharging an act of indispensable duty as a Minister; that there was no choice or option before him; that he was not about to obtrude any idle, visionary, or speculative projects of his own upon their notice; but was in the act of offering to the consideration of Parliament, the best Propositions for the preservation of the India Company, and the restoration

B

tion

slow of the welfare of their concerns, that his most deliberate attention could suggest; and that he did it, for no other reason upon earth, than because the necessity that called for it was so urgent, that it pressed it forwards, irresistibly, and ~~as a matter that would not admit of farther delay.~~

After an exordium to this purport, Mr. Fox said, it would be necessary to turn their minds to the application made by the Company last year to that House, for leave to borrow 500,000*l.* and afterwards for a farther aid of 300,000*l.* in bills, and for the remission of the payment of Customs, to the amount of 700,000*l.* more. This latter sum, he had understood, swelled considerably since; and such was the state of the Company, that they now stood in need of very great assistance farther. He stated, that by a certain Act of Parliament, which he mentioned, the Company were bound down to accept no more Bills drawn upon them from India, than amounted to 300,000*l.* without the express consent of the Lords of his Majesty's Treasury. This condition, he understood, to have been made with the intent, that if Bills to the amount of a trifling excess over and above the 300,000*l.* should happen to be drawn upon the Company from their settlements, and it should appear to the Lords of the Treasury, that such Bills were proper to be paid, a power of making the necessary provision for them should be lodged somewhere. So far, however, from the excess being trifling, the Bills that had been drawn upon the Company, from Bengal, over and above the 300,000*l.* amounted to nearly two millions of money! His Majesty's Lords of the Treasury had therefore, and he doubted not the House would be of opinion, that in so doing they had done no more than their duty, refused to give their consent to the acceptance of these Bills. Mr. Fox said farther, that when the Lords of the Treasury consented to exercise the discretion vested in them by the Act he had alluded to, let the degree in which it was exercised be what it might, he considered them as pledging the public faith for the payment of the Bills, the acceptance of which they permitted, and therefore it behoved them to act with infinite circumspection and prudence. In the present case, the sum was extremely large; it was, nevertheless, obvious, that the credit of the Company was of a very delicate nature: If they were not assisted, they must unavoidably be ruined; and the ruin of a Body of Merchants, so extensive in their concerns, and so important in the eyes of all Europe, as the English East-India Company, must necessarily give the national credit a very great shock indeed. On the other hand, to give them the requisite assistance, without first examining their affairs, and setting them to rights, and without forming and enforcing a new system of management for the future, better calculated to promote their prosperity, and relieve them from the bankrupt condition in which they at present unquestionably stood, would be only to throw away the public money; and for that House to proceed to take the last shilling out of the pockets of their constituents, to lend it to those whose notorious want of ability to manage their affairs, had already brought them to the brink of destruction, and afforded but little ground for expectation of better care for the future to come. It might naturally be supposed, therefore, that he did not think, at a moment of adopting the easy alternative of lending them the money they wanted, and thus getting rid of the difficulty for the present. The nature of the case required a very different mode of proceeding. In order to show the real situation of the Company's affairs, Mr. Fox recapitulated the various articles of the debt, of one kind or other, that the Company owed, which he stated in the whole to amount to eleven millions three hundred thousand pounds; and against it he placed the value of the property of the Company, of various kinds, here and in India, which he valued three millions three hundred thousand pounds; and declared that, every thing deducted, the Company owed at this time eight millions of money. Having enlarged upon this, he took notice of the two Committees of that House, which had been employed for two years in investigating the affairs of the East-India Company, and had furnished such a body of information to the House, that they were fortunately perfectly masters of the subject. He observed, that the two Committees had been of dif-

ferent

ferent constitutions and complexions; that men perfectly indifferent to each other, and unconnected by any tie of politics, or party, had set upon their task; that the labours of the two Committees had consequently been conducted with impartiality; and that their produce was perfectly astonishing; the quantity of the information they had laid before the House, as well as the great ability and precision with which it was stated, infinitely exceeding any expectations, however sanguine, that could possibly have been entertained respecting them by any description of persons, either within doors or without. He pointed out the different mode of proceeding adopted by each Committee, stating that one of them (the Secret Committee) had not only made ample reports of the result of their enquiries, but come to certain resolutions, as the necessary deductions from their Reports, to which the House had agreed, and which it had in due form ratified and authorized. The other Committee (the Select) had pursued a different method, and perhaps not a less useful one. They had contented themselves with furnishing copious Reports, from time to time, full of information, and had left it to the House to draw their own consequences from the premises laid down in those Reports, and to act upon them as to their wisdom should seem meet. Both these Committees had agreed, however, in one essential particular, each of them declaring, that the farther they proceeded in their enquiries, the more it became evident, that all the distress and difficulty of the Company was ascribable to the disobedience of the orders of the Court of Directors, and the rapacity of the Company's servants in India. The resolutions came to by the first Committee (the Secret one, which he had no other reason for calling the *first* Committee, than that it was now at an end) carried in them principles to which he gave his most perfect acquiescence, because they appeared to him to be principles of justice, of humanity, and of sound policy; but they necessarily implied this corollary—as they in all probability ascribed the disorder in the Company's affairs to the true causes, certain specified facts stated in the resolutions; so it appeared to be incumbent upon that House, to inflict punishment upon the authors of the mischief incurred by these facts. This unfortunately threw additional embarrassment upon the task, the arduous task of a reform of the system of governing our Territories in India, by involving personal considerations in one of the most important questions that could engage the attention of Parliament. As a farther proof of the necessity of a new system, he reminded the House, that the situation of Mr. Hastings at that hour, was not only very extraordinary, but such as every man must feel for; it therefore called loudly for something to be immediately done by Parliament. He stood Governor General of India, under a resolution of that House for the necessity of his recall. That Resolution, they would recollect, passed in the Sessions of 1782. The Court of Directors, in compliance with the inclinations of the House, which certainly ought to have great weight at all times with them, and every other Public Board, gave orders for the recall of Mr. Hastings accordingly; but a General Court of Proprietors rashly chose to oppose the sense of the House of Commons, and to over-rule the Directors. Not that he meant to give it as his opinion, that the Court of Directors were legally bound to submit their order for the recall of Mr. Hastings to the consideration and decision of the General Court of Proprietors; on the contrary, he thought they were empowered to act independently, and for themselves; but so the fact was: A few days previous to the meeting of last Session of Parliament, a General Court was held, who over-ruled the order of the Court of Directors. Upon which the latter prepared instructions to Mr. Hastings, conformable to the wishes of the General Court of Proprietors, and they were sent, agreeable to the regulation of the Acts of 1773 and 1780, to Mr. Townshend, then Secretary of State, for his approbation. Mr. Townshend acted as became a Minister, attentive to the declared voice of the House of Commons; he stopped the dispatches, and when Parliament met, stated what he had done to the House. He hoped no Minister, when that House had expressly signified its opinion by a resolution in form, would dare to act otherwise than Mr. Townshend had done; but such being the

else; it undoubtedly became the duty of the House to have advised his Majesty's Ministers how they were to act; and so the House would have done immediately after Mr. Townshend had laid the information before them, that he had mentioned, but for the changes in his Majesty's Government, that had at that time taken place, and the variety of well-known important topics, that called for the discussion of the House, from that time to the end of the Session. Since then, however, other events had occurred, that made Mr. Hastings' situation, and that of the British Government in India, more embarrassing and more weak. Though the order for his recall had not been officially sent to the Governor-General, he was not by this time, nor were the residents of India, any strangers to the circumstance of the House of Commons having come to a resolution that his recall was necessary. A General Court of Proprietors had also been lately held, who had voted their thanks to Mr. Hastings for his conduct, and those thanks were withheld by the Government; in this complicated state of affairs, therefore, even the friends of Mr. Hastings must wish that something decisive were done, either to re-establish his full authority, or to recall him.

Mr. Fox next went into a recapitulation of different events, either established by evidence before the Committee, or universally admitted, in order to shew, that the present system of the government of India, was in its constitution so radically defective, as to be incapable of being proceeded in with any prospect of retrieving the affairs of the Company, or conducting them prosperously in future; and that those who had hitherto been entrusted with that government, were too greatly wanting in vigour and wisdom, to be trusted any longer with the management of a business, in which the nation at large had infinitely more at stake than the Proprietors of India Stock. A learned Lord, who had been Chairman of the Secret Committee, he reminded the House, had emphatically said, "that the letters and orders of the Court of Directors to their servants in India, were not only consonant to policy and humanity, but contained as fine a system of ethics, as could have been penned by the wisest moralist; while the conduct of their servants in India exhibited a picture as violently the reverse as could well be imagined." This Mr. Fox remarked upon, and ascribed it to the unwise constitution of the Company's government. As it stood at present, he asserted that the General Court of Proprietors had it in their power, to check and controul the Court of Directors; and as the servants in India, by a proper attention to the weaknesses of human nature, were able to procure the protection of the majority of the General Court of Proprietors, so in fact the servants of the Company became greater than their masters, and it was utterly impossible either to punish their rapacity, their disobedience of orders, or any other violation of their duty to the Company. In explanation of this position he stated, that the Court of Directors naturally bearing respect as a representative body, were not very willing to offend their constituents, the Court of Proprietors; and that the General Court of Proprietors were made up of two descriptions of persons: the one, the fair, natural, well-meaning Stockholder, who originally purchased, and continued to hold India Stock, merely because he thought it a safe fund to vest his money in; the other, persons who went to the India-House with political views, who were connected some way or other with the servants of the Company abroad, whose interests depended on their interests, and who took every opportunity of furthering both, by standing up the advocates of those servants, either to procure them farther advantages and honours, or to screen them from disgrace, censure, and punishment, as occasion required. There were means, he observed, sufficiently obvious to the House, to obtain a deep and constant influence over this description of Proprietors; but it was in general felt as a matter of wonder, how the other description, the honest independent Proprietors, could be gained over to the interest of the Company's servants. This, however, was not so inexplicable, when it was considered, that good dividends were their only objects. Thus, he said, when the servants of the Company in high power abroad, had, in pursuit of their avaricious views, disobeyed the orders of the Court of Directors, in order to

accumulate

accumulate wealth for themselves, they well knew, they had nothing more to do than to carry their rapacity still further in India, and by taking care in due time to send home on the Company's account, sufficient supplies, to provide for the dividend, and gratify the desires of the Proprietors of one description, they were sure to soften their minds, and awaken their partiality and prejudice. To this it was owing, that the rapacity and injustice that had disgraced and stained the national character in the eyes of India, rather increased than diminished; and to this it was owing, that while the system of government was suffered to continue such as it hitherto had been, with respect to our territorial acquisitions in India, there was scarcely any probability of a stop being put to either, in any proportion whatever. To evince the difficulty of recalling their servants, the Right Honourable Secretary stated, that in 1776 it was the resolution of the Company to recall Mr. Hastings; but his Agent standing up, and in his name announcing his resignation, it was accepted as a milder mode of dissolution or recall. It afterwards happened that Mr. Hastings disavowed the action of his Agent; and thus two or three years elapsed, and the recall was never effected. As a proof of the disobedience of the Company's servants, with respect to the orders of the Court of Directors, Mr. Fox mentioned various cases that were well known: He particularly stated that of Mr. Bristow and Mr. Fowkes, who the Court of Directors had ordered Mr. Hastings to send upon embassies to Oude and Benares; an order with which Mr. Hastings refused to comply, declaring that he did not chuse to employ any but his confidential friends in those situations. Mr. Fox explained all the particulars of this business; and added, as a farther proof of the sense Mr. Hastings himself had entertained of the obedience he owed to the Court of Directors, that his Agent, Mr. Scott, when examined before the Committee, had declared, "that the Court of Directors having ordered Governor Hastings to employ Mr. Bristow and Mr. Fowkes at Oude and Benares, was just as absurd as if the Opposition had procured two persons to be sent out Ambassadors to foreign Courts, notoriously adverse to his Majesty's Ministers." Upon this Mr. Fox grounded a great deal of further appealing to the House what sort of obedience was to be expected from servants, whose Agents compared their Masters, the Court of Directors, to an Opposition?

He next said, that it appeared from all the letters and orders of the Court of Directors, that the uniform tenor of their instructions to their servants abroad, was to conduct their affairs with a view solely to commercial purposes, and not with any view to aggrandisement; whereas, it was evident that the latter had been the chief object of the Company's servants. In proof of this he mentioned the Rohilla War, so unnecessarily and so unwarrantably entered into by Mr. Hastings; the infraction of the Treaty of Poorunda; and the mischievous Mharatta War, commenced originally at the instance of the Bombay Government; but afterwards embraced and pursued by Mr. Hastings. Greatly as the Mharatta Peace, lately obtained, had been praised, he declared it was disgraceful and calamitous, compared with the Treaty of Poorunda. He also stated the case of Cheyt Sing, the Rajah of Benares: Cheyt Sing, he observed, was settled in his zemindary; and it was solemnly stipulated by Mr. Hastings, in an Article, which he read to the House, and which, he said, breathed an air of liberality, justice, and humanity, that upon certain conditions he should remain uncalled upon for any impost, save and except his annual rent. On intelligence being received of a war with France, Mr. Hastings ordered him to be required to furnish some assistance. Cheyt Sing paid five lacks of rupees. He was called upon a second time, and he paid five lacks more. He was called upon a third time, when he refused payment. Preparation was made to enforce it, by order of the same Governor-General who had under his hand expressly stipulated, that, excepting only his annual rent, he should be called upon for no farther contribution. Nor was this all: Cheyt Sing was dispossessed of his zemindary; and from that time to this, has been a wanderer and a vagabond through India! Having painted this fact in very striking colours, Mr. Fox

Fox mentioned another, of a Vizier having been called upon for a sum of money by Mr. Hastings, and in order to enable him to furnish it, he had been supported by the Company's troops, in forcing a subsidiary of considerable value out of the hands of his own mother and grandmother, to whom it had legally descended, and on whom it had been long settled upon the faith of the British Government. He added a case, if any, still more inhuman; and reasoned upon the cruelty of such conduct, and the scandalous disgrace it threw upon the national honour, in terms of infinite eloquence and persuasion.

From what he had said, he urged the pressing necessity of immediately adopting some system of Government, that would put a stop to such shameful abuses of power; and declared, nothing but strong measures could possibly be expected to effect a thorough reform. Strong however as the system was, which he should have the honour to propose; abundantly too harsh, as he was aware, it would be thought so, it was a palliative! an emollient! an half measure! compared to the idea of saving things in their present condition. He hoped, therefore, the House would, on this occasion, take the advice given by a Right Hon. Gentleman on a former day; that they would look then to the situation with regard to India in the face; that they would examine it thoroughly, view its deformity, and proceed with firmness to adopt and enforce that application, and that remedy, which the inveteracy of the case required.

With regard to the existence of great defects in the present system of governing India, and the dangerous and deplorable extent of the mischiefs and abuses arising from those defects, the House, Mr. Fox observed, were well acquainted. The great difficulty lay in choosing the mode of remedying the defects that had been so fully ascertained. The question of right, with respect to the property of the territories, had been disputed without doors, but never fairly met within. It had generally, however, been admitted, that the right must vest in the Crown. As such he should consider it. He next observed, that it had been gravely and strenuously contended, that a Company of Merchants, though perfectly equal to the most extensive commercial concerns, by no means fit to be intrusted with the direction of the political government, or with the management of large territories. This position had been generally assented to; he would, nevertheless, acknowledge, that he had heard it maintained on the other side, with equal gravity and with equal solidity, that a political government was not adapted to the direction of extensive commercial concerns. To this himself he was inclined to lean. His idea, therefore, with regard to India, was to form a mixed system of government, adapted as well as the nature of the case would admit, to the mixed complexion of our interests in India. The plan of government that had occurred to the learned Lord who brought in the Bill last year, upon the subject of a new system, was to give more power to the government in India; indeed to invest it with absolute power. His system was directly the reverse: He meant to propose to lodge the government chiefly at home; and thought too much power had already been trusted in India; he designed, therefore, to propose to place the responsibility on seven Commissioners, to act here as the Council of Administration for India; these seven Commissioners to be assisted with a subordinate Board of eight additional Commissioners, to manage the commercial concerns of the Company, to conduct their shipping, and superintend all the variety of business appertaining to the commercial conduct of the Company's affairs; but the latter eight Commissioners to act entirely under the direction and subject to the controul of the former seven.

This, Mr. Fox said, was the grand outline of his system: He would not enter into a minute detail of it farther at present, but would only say, he meant to leave a blank in the Bill he should move for leave to bring in, for the names of the Commissioners, which should be ballotted for by that House; and he designed another blank, to give the House a power of removing any one Commissioner; or more, by address or otherwise; he said it was likewise his intention to leave

a third blank, for the period of the operation of the Bill, which might be for a short term of years, either five or three. His wish would be, to take the shortest time that could be supposed sufficient to do any good in, or give the experiment fair trial. One wrong idea he entertained, was that of rendering all the servants in India, high and low, subordinate and obedient to the Administration of India; as it is at home; and therefore, among other regulations, he designed to enforce one, which, he was conscious, would appear rather singular at the first mention of it; he meant to oblige the Council at home to make minutes of their reasons, as often as their orders should not be complied with, and they should not immediately recall the servant who had disobeyed their instructions. This, he was aware, was new, when applied to the common course of business, but the long practice of it by the India Company had proved its utility. Another reason in its justification was this: Disobedience of orders, in men acting at a distance, was so far from being always criminal, that it was some times highly meritorious. He meant, therefore, to lodge a discretionary power with the Council, which their responsibility would require: If it appeared to them that a servant of the Company had acted in disobedience of orders from home, from the immediate exigency of affairs, or that he had an obvious good intention in so doing, or that it was for other reasons, inexpedient to recall him, they should be obliged to assign in a minute, as short as they pleased, why they did not recall him; and thus avow what they would justify as the expedient grounds of their conduct. This would ensure security to the Commissioners, and oblige them to act on motives of necessary precaution. Whenever a vacancy should happen in the Supreme Council, he said, he meant to empower the Crown to fill it; when in the Lower, the General Court of East India Proprietors. A great variety of other regulations of importance, of which he could not speak so well, unless he had the paper the Bill was drawn on, before him, would necessarily be included in it.

Mr. Fox said, he meant likewise to move for leave to bring in a second Bill, by way of enforcement of the first he had mentioned. This would have several material purposes in view; and among others, the securing to the natives of India their property, by establishing their right with regard to the tenure of their land. Two ideas relative to the tenure of land in India, had, he observed, been at different times, and by different persons, insisted on: The one, that with which his opinion partially coincided, viz. that the zemindars, or, in plain English, the country gentlemen of India, were entitled to the full and undisturbed possession of their land, in like manner as we were, upon paying of their annual tribute or rent to Government. The other, that the whole of the soil was the indisputable property of the Great Mogul, or his Duan, the East India Company; and that the Zemindar might be dispossessed at the will of either of the latter. This idea, he observed, was not only tyrannical and unjust in the extreme, but it was also extremely impolitic; because, if suffered to be carried into practice, and continued to be adhered to, it must necessarily destroy the spirit of manufacture and agriculture, and ultimately end in the ruin of the whole country. It was, Mr. Fox said, the first duty of governors to make the governed as happy and as secure in their property as possible. This was, he trusted, the wish of every Englishman, and could not but be the wish of a British House of Commons; therefore, although it was impossible exactly to apply the glorious and free Constitution of this country to our possessions in India, it was not only the indispensable duty of the House, but it was within their power, to communicate the spirit of our laws, which was, in fact, the essence of our Constitution, to our Indian subjects, to rescue them from rapine and plunder, and to put them in a state of perfect peace, happiness, and security. This would be one grand aim of his Bills; and for support in effecting such a purpose, he relied with confidence on the zeal, the liberality, and the justice of the two Houses of Parliament. *[An universal murmur of applause.]*

Mr. Fox stated also, as a very important object of his Bill, and which stood much in need of correction, the practice of the Company's servants receiving presents from the Indian Princes, and others, the dependents on the Company.

This

This was, he said, the grand original, the "primum mobile" of all the rapacity, disobedience, injustice, and cruelty, that had disgraced the British Government in India. In vain had the Court of Directors sent over injunction after injunction, to forbid the Company's servants from taking any present, on any pretence, from the Indian Princes and Zemindars. In vain had an express Act of Parliament passed, to forbid the practice; the Orders of the Court of Directors, the Acts of the British Legislature, were held in equal, and the most supreme contempt at Bengal! A stronger proof of this could not be adduced than the conduct of Mr. Hastings, who had accepted various presents, and among others, a present of ONE HUNDRED THOUSAND POUNDS from a Rajah; who, at the very time, stood deeply indebted to the Company, and who pleaded the most abject distress in excuse for not paying the Company what he owed them. This one hundred thousand pounds, it was true, Mr. Hastings had afterwards brought to the account of the Company, but it was a considerable time first; and in the interim, he had lent it to them upon bond, and charged a high interest. Nay, such was the opinion of Mr. Hastings himself upon the transaction, that he had written home word to the Court of Directors, "That he did not know whether he had any particular motive that had influenced him to accept this present; but if he had any at the time, it was really out of his mind." Mr. Hastings's Agent, Mr. Scott, also had told the Committee, when examined by them, that it was better worth the while of the Rajah of Oude to make Mr. Hastings a present of one hundred thousand pounds, than to pay any part of his just debts to the Company. Mr. Fox laid great stress upon the whole of this narration, and urged it as a glaring proof of his former opinion, that the servants of the East India Company in India, were thought by the natives to possess more power than their Masters; and that it was evident, they held the Orders of the Court of Directors, and even the Acts of the British Parliament, in sovereign contempt.

Another point, the Right Honourable Secretary said, to which he designed to direct the correction his Bill was intended to administer, was the abolition of all Monopolies. These he stated to be extremely unfair, in the first instance, extremely pernicious, and as tending to consume the vitals of Commerce, rather than to feed, to cherish, or to lend it vigour. He mentioned the monopoly for opium, that had been given to the son of a late Chairman of the East India Company, who sold the contract for a considerable premium the very same day, and in consequence, the trade for opium was absolutely lost to the Company.

After expatiating upon this for some time, Mr. Fox said, there yet remained one consideration, and that, perhaps, the most important of any, upon which, he was conscious, he had not touched, and that was, with regard to the bringing criminals to justice. This was undoubtedly a very great object; but great as it was, he was not ashamed to say he had not made up his mind to the matter, sufficiently to be able to go into that detail respecting it, which undoubtedly ought to accompany any proposition upon the subject, whenever such a proposition should be ripe for bringing forward. He had consulted with many grave and weighty authorities upon the question; but he was free to own, all he had heard from the learned men with whom he had advised, had not exactly met with his idea upon the matter, or appeared to him either warranted in sound policy or in justice. By some, and those, men of considerable judgment and experience, he had been told, the laws now in being were fully adequate to the occasion. To this opinion, he acknowledged, he could not give his assent. He had, in his own mind, formed the sketch of a Plan that he thought might be practicable; but he had not matured it enough, to venture the stating of it to the House. There certainly was a deficiency, and some sort of efficacious Tribunal was wanting; but what that Tribunal should be, and what was still more alarming, because it involved in the consideration the safety of the Constitution, as well as the justice of the country, who should be the Judges, and who should appoint them, were matters of a tremendous nature to view, and well demanded very serious passing upon. How inefficient the present mode of prosecuting delinquents in

India

India was, they all well knew; but if no better mode could be hit upon, with safety, difficult as the task of following up a Parliamentary prosecution was, he trusted there was still enough of virtue, and love for the national character left, to stimulate that House to determine to sustain the difficulty, and persevere, in spite of all the inconveniencies, and all the obstacles, that opposed themselves in the way of justice.

Having explained all the material points to which he intended his Bills to be directed, Mr. Fox declared, that although in referring to facts, necessary to be mentioned in proof that real defects existed in the constitution of the East India Company, and that those defects were the causes of mischiefs and abuses, contrary to every idea of policy and wisdom, repugnant to justice, and disgraceful to the national honour, it was impossible to avoid the mention of names, he had no intention whatever to state the business of the day as a personal business; nor ought it to be considered in that point of view by any gentleman whatever. He had carefully avoided giving any opinion of his own on the conduct of any description of men, or saying any thing that might ulcerate or inflame the minds of the friends of either one person or another; and whether Mr. Hastings, whose name he had been obliged to introduce with the mention of many of the matters he had been called upon by his subject to allude to, was that able Statesman, that wise Politician, that active Leader, which some Gentlemen were loud in boasting him to be; or whether he was the most open and bare-faced Peculator that ever sailed to India, the most faithless Maker of Treaties, the weakest Statesman, and the worst Governor that ever was placed over a country, as its curse and its scourge, as other Gentlemen were equally confident in asserting, was a matter perfectly indifferent to the business of the day, and had no sort of connection with it whatever. He would not, therefore, enter upon the discussion of these topics, because they bore no relation to the question before the House. He trusted that Gentlemen in general would meet the question fairly, and not make that a personal consideration, which had nothing personal in it. The Influence of the Crown, they had been used to say, was too great: He thanked God it had been considerably diminished; but the Influence of the Crown, in its most enormous and alarming state, was nothing compared to the boundless patronage of the East India Government, if the latter was to be used in influence or that House. The country was lost indeed—lost beyond all hope or possibility of recovery, if the boundless patronage of the East was to be employed to prevent Government from making a reform, called for in the loudest manner, and urged onwards by the most immediate and most pressing necessity. He spoke not this from a fear of the influence to which he had alluded; he trusted no attempt would be made to exert it in the present instance; because, if a Minister was afraid to come down to the House, and propose a measure, grounded on the most urgent necessity, there would at once be an end of all Government. At the same time that he said this, he was aware the measure he had proposed was a strong one. He knew, that the task he had that day set himself, was extremely arduous and difficult; he knew that it had considerable risk in it; but when he took upon him an office of responsibility, he had made up his mind to the situation and the danger of it. He had left all thoughts of ease, indolence, and safety, behind him. He remembered an honourable friend near him [Mr. Burke] had once said, half in jest, half in earnest, "that idleness was the best gift that God had bestowed upon a man." But this was not a time for indolence and regard to safety in a Minister. The situation of the country called for vigorous exertions, for new measures, and for some risk; he knew, that a Minister who had no consideration but his own safety, might be quiet and safe; the consequence must be, the country would be ruined. How much better was it to venture what the exigency of affairs required; the Minister, it was true, might be ruined, but his country would be saved. The one consideration ought to have no weight, compared to the other. Nor had indolent men any business in office at such a crisis as the present. This was not a season for a Secretary of State to be idle. The Minister that loved his ease, or rather who was not determined to exert himself, had no business with red boxes and green bags. His office was for active employ,

and if he preferred indulgence to application, he ought to retire to private life, where he might enjoy his leisure without injury to the Public. [A SMILE FROM OPPOSITION]. Mr. Fox took notice of the smile, and said, the subject of a measure adopted by him last Session, had then been so repeatedly and so fully discussed, that the Gentlemen on the other side must excuse him, if he declined saying any thing more upon the subject; thus much he would only then say, that it had been thought a matter worth trying, if a junction with those from whom he had long differed, might not be made with safety, after the points upon which they had differed most widely were at an end; and whether they might not act together on new points with honour, for the good of the country. That experiment had been tried; and he was happy to say, that the experience of the Summer had confirmed him in his expectations. The noble Lord and he not having had any one material difference, nor indeed any variety of opinion, farther than that sort of occasional difference which men of honour, determined to act freely, to give their opinion to each other without reserve, and from candid argument to deduce conviction, might warrantably and fairly be supposed to entertain. On the present occasion, he lamented most sincerely the want of the great abilities of the noble Lord, to support him in the arduous task of the day; and he more particularly lamented, that his absence should be owing to personal illness and infirmity. He was, however, happy to be able to assure that House, that he and the noble Lord had consulted together upon the subject; that they perfectly coincided in sentiment and opinion upon it; and he trusted, as the Bill would be some time in passing, that he should still have the benefit of the noble Lord's powerful support. With regard to the smile the Gentlemen on the other side of the House had chosen to assume at his observations upon indolence, he would not be supposed to allude to the noble Lord's administration, because they must know many new projects were carried into practice during that administration; projects which, in common with those Gentlemen, he had thought detrimental to the interests of the country, and which they had together laboured to prevent. After this explanation, Mr. Fox said, he should conclude with the same remark that he had made in the commencement of his Speech, and begged the House again to remember, that he had not officiously or unnecessarily taken upon him to propose the system of government for the East India Company, which he had opened to the House; the occasion urged the consideration to their notice, and it had been his indispensable duty as a Minister, to pay it every possible attention, and to lose no time in bringing forward the best devised system that his judgment enabled him to conceive and propose.

Mr. Fox concluded with moving,

1. "That leave be given to bring in a Bill for vesting the Affairs of the East India Company in the hands of certain Commissioners, for the benefit of the Proprietors and the Public."

2. "That leave be given to bring in a Bill for the better Government of the Territorial Acquisitions and Dependencies in India."

Colonel NORTH said, that the Bills moved for by the Honourable Secretary of State, appeared to him to be so rational, and the system of government proposed by him, so urgently called for by the critical situation of the East India Company, so likely to prove efficacious and salutary, that he felt a singular satisfaction in seconding the motion.

Mr. W. PITT replied; and began with some sarcastic remarks on Mr. Fox, declaring that the Right Honourable Gentleman had taken extraordinary pains to deprecate the charge of indolence, a charge that had never been imputed to the Right Honourable Gentleman, though it had even been considered as a leading feature in that part of the present Administration of which the Honourable Gentleman had been once thought to be no great admirer; but it ought not to be forgot, that the Right Honourable Gentleman had that day enjoined perpetual silence to the House, upon the subject of the extraordinary junction of parties last Session, having formally appealed to Parliament, and desired the House of Commons to grant the Coalition a perpetual Amnesty.

Mr. Pitt then observed, that according to the Honourable Gentleman, indolence, though he had formerly deemed it a great fault in a First Lord of the Treasury,

was to be supposed a fault not worth minding in a Secretary of State; and the more especially, when the noble Lord had a colleague, active and industrious enough, not only to do his own business, but the business of the noble Lord for him. After pursuing this ridiculous some little way, Mr. Pitt said, with regard to the Bill now moved for by the Right Honourable Gentleman, so far was it from his intention to oppose the motion for leave to bring it in, that he must declare himself extremely impatient to have it upon the Table, because a system so new in itself, so glaring, from the extraordinary degree of power which it was calculated to place in the hands of the Minister, and to big with consequences of the most serious nature, called for the fullest and most deliberate examination, and ought to be well weighed and digested, before Gentlemen thought themselves competent to give their opinions upon it. He said, he had rejoiced at the murmur of applause that had ran through the House, when the Right Honourable Mover had declared, that it was a chief aim of his system to secure the residents and natives of India in the quiet and peaceable possession of their property; such a murmur spoke the liberality, humanity, and justice of the House of Commons. But while they were providing for the protection and safety of our subjects abroad, he hoped a due consideration would be had to the chartered rights of those at home. The Right Honourable Secretary's system went an extraordinary length indeed, and the only argument he had heard in justification of it, was the urgent necessity of the case! Necessity, he observed, was generally considered as the plea of tyrants; but it was, in fact, the creed of slaves, when submitted to without full investigation and enquiry. It behoved the House, therefore, to examine with great care and scrupulousness, what the alleged necessity was, and before they admitted, that it amounted to that very great and pressing size, to justify the violating the Chartered Rights of the East India Company, to have it duly and correctly ascertained. When he heard the Right Hon. Secretary mention the boundless patronage of the East India Company, he could not imagine, he said, that the Honourable Gentleman had formerly employed his eloquence in defence of the liberties of his country; and he begged the House to consider, that this Bill would throw all that boundless patronage, and all that mischievous influence, into the hands of the Minister. He said, he hoped the Bill would not be hurried; that time would be given to enforce a full attendance by moving for a Call, to take place before the day of the second reading; declaring that, he reserved himself for a future delivery of his sentiments upon a system, which he had not yet had sufficient opportunity to examine with that attention which could alone enable him to form an opinion upon it; but he could not help observing, that the two leading features of the system, as stated by the Right Honourable Gentleman, appeared to him to be of the very worst and most detestable complexion, despotism and corruption! Mr. Pitt added other adverse remarks, and concluded with warning the House to act with caution with respect to a Bill, which tended to authorise the boldest and most desperate attempt ever made by a Minister.

Mr. MACDONALD made a short speech, in which he recommended parts of the late Lord Advocate's Bill, upon the subject of India, to the most serious consideration of the Right Honourable Secretary of State.

Commodore JONESTONE rose up with notes in his hand, and replied to many of the particulars of Mr. Fox's speech. He seemed to turn his chief attention to the vindication of Mr. Hastings's character; but he also seemed much interested in the prosperity of the Company's settlements and commerce. He supported warmly the conduct of the Court of Proprietors, with respect to their putting an interdict on the resolution of Parliament. To his certain knowledge, he said, their determination to continue that Gentleman in power, had been submitted to the inspection of the then Ministry for weeks; and he could well remember the answer which the Secretary of State gave them, when they desired to know his opinion—"You are best judges, he said, of your own affairs." It was then his idea, and is still, that the situation of India affairs at that period justified the proceeding of the Court of Proprietors; and to have recalled a man of Mr. Hastings's abilities, at such a season, would have been to involve their concerns in the East in many intricacies. He refuted the accusations which Mr. Fox had brought against the Governor-General, respecting the unhappy war that had so long subsisted in India; and shewed, that Chyrt Sing was in fact nothing more than a

capital belonging to the Company, and was, as such, bound to make good a stated sum to the Company; and more especially was a regular payment incumbent on them, when the exigencies of war had so encreased the necessities of their sovereign. He adverted a little to the arrest of that unhappy man; and shewed, that the accounts that had been given of the treatment he had received, were in general exaggerated. The Honourable Commodore observed, that the bribe (as it had been called) which the Governor had received from the Nabob of Oude, never was solicited by him, but was given him without any promise of indemnification. He also vindicated the Governor's conduct in the affair of Mr. Pope. He had acted, he said, with a dignity and spirit which hardly any one but Mr. Hastings possessed; and he had the concurrence of Mr. Francis, and others in power, in every thing he had done. Respecting Mr. Hastings's boldness, in drawing upon the Company for sums which exceeded the limited sum of 300,000*l.* he was not even there so grossly to blame as might at first appear. The public demands were urgent, and the Directors had given him reason to look for their support. The Commodore inveighed strongly against the cruel and unjust steps that had been taken against that great character. He said, it was not at all generous to judge of a man by partial information; and that a speech in the House of Commons, however just or elegant, was not sufficient ground for Gentlemen to decide on a person's honour and reputation. Counsel ought to be heard: Mr. Hastings's conduct ought to be enquired into at the Bar; and a verdict given with every appearance of equity. With regard to the India Stocks, the Honourable Secretary had represented them as in a deplorable state indeed. He had viewed them as a body of primary magnitude, and their resources as a mere mite. But he was happy to say, that all was not lost; and that he hoped once more to see the affairs of the East in a flourishing condition. As to the method which the new system proposed, of appointing Officers for the Company, he did not look upon that as beyond the reach of objection. He was not clear how much men, chosen by Parliament, would be attached to the Company's interest; and whether the Company were not likely to experience inconveniences, from the inattention that their servants might shew to their orders, when they knew that their continuance in power no longer depended on their pleasure. The Honourable Commodore closed with observing, that his attachment to Governor Hastings did not spring from any reciprocation of good offices, or any intimacy that had subsisted between them—far from it. His attachment was founded on the opinion he entertained of his integrity, his abilities, and greatness of mind. All his family, he added, were hostile to Governor Hastings; and if his merits had not struck him with peculiar force, his regard for him must long since have been extinguished. He would not, he said, though much interested in the honour of the India Company, object to the motion of the day, provided he found that the tendency of the Bill was to promote the good of the community.

Mr. Secretary Fox said, that he only rose to assure the Honourable Commodore, and the House, that he bore no ill will to Mr. Hastings; nor was it his wish to injure him in the least. They were not individual interests, but those of nations, to which he wished to direct the notice of the House: And if in the course of his researches, he had been obliged to bring up names, their friends should remember, that he could not have avoided doing so. He then gave notice, that his Bill should be read a second time on Thursday (to-morrow) sevennight.

Mr. W. PITT wondered how the Right Honourable Secretary could wish to force a matter of such high moment through the House, without giving Gentlemen that were not in town an opportunity of adding their sanction to it. He had, he said, already mentioned a *Call of the House*, and if that was not complied with before another reading of the Bill, he most certainly would protest against it.

Mr. SAMUEL SMITH, Junior, said, he rose to deliver his ideas on the business of the day, and he meant to do it freely. The Bill, which then waited their discussion, was one whose importance was as great as the interests of thousands were dear to them. It was, moreover, a Bill so very doubtful in its effects, that he did not know how to pronounce upon it. We had seen America torn by violence from the mother country, merely because the extent and the great distance of that empire from Britain, required a degree of attention, and speedy exertion, which the difficulty of governing at home sometimes prevented Ministers from bestowing on it. And why should we desire to see the only valuable possession we can now

boast

boast of, lost also to the British dominions? There was another objection that struck him very forcibly, that was, the fatal consequences that were likely to result from the direction of India being in the hands of Ministers; for he considered Parliament and Ministry, in the instance before them, as synonymous. Such an addition of influence, he observed, would render them formidable; and if political vice were superadded, what dismal effects were not to be apprehended! He made a few remarks on the Reports of the Select Committee; and having expressed a wish that Gentlemen might be allowed sufficient time to prepare for the discussion of the instant business, he took his seat.

General SMITH, in a few words, said, that he thought the business was of such consequence to this country, that it ought to exact the fullest investigation; and the sooner that was given it, the better.

Mr. P. ARDEN blamed the secrecy which Ministry had observed with regard to the business before them. If they had given the House a hint of their intentions at the close of last Session, it would have been doing no more than their duty. It seemed, he said, as if they did not wish to have the general sense of the House. They had been assembled some weeks sooner than usual, and nevertheless, Ministry wanted to hurry this seemingly dangerous Bill through the House, without allowing it the serious discussion it deserved.

Mr. Fox again gave notice, that he should move for the second reading of the Bill next Thursday se'ennight.

Mr. W. PITT earnestly pressed him to postpone it till Tuesday fortnight, declaring he would move a Call of the House first; and if the Right Honourable Gentleman would not consent, he said he must be under the necessity of opposing the motion for the second reading, and endeavouring to get it postponed, when it should be made.

Mr. Fox said, his Majesty had called Gentlemen together early, at a very great inconvenience to them, for the purpose of dispatching without delay the great and important business that demanded their attention. That it was known the India business was to be one of the first objects of discussion, and he could not think of putting it off for a single day, unless he was sure to gain the Honourable Gentleman's approbation and support of his Bill by so doing; as he was not likely to obtain that advantage, he would not consent to delay the motion for the second reading longer than the day he had mentioned.

At length the motions were severally put and agreed to; and ordered, that Mr. Secretary Fox, Lord North, Lord John Cavendish, &c. do prepare and bring in the same.

Mr. PITT then rose to move a Call of the House, which, after a caution from the Speaker, with regard to the omission of the words, "and that the Speaker do send letters to the Members," on account of the shortness of the time rendering that matter impracticable, was put in the following words:

"That this House be called over on this day fortnight, and the non-attendants ordered to be taken into the custody of the Serjeant at Arms."

Thursday, November 20, 1783.

Mr. Fox having brought in the Bill for vesting the Affairs of the East India Company in the hands of certain Commissioners, for the benefit of the Proprietors and the Public, it was read a first time at the Table, and the breviate read by the Speaker, from the Chair, as usual.

Mr. Fox then moved, "that a sufficient number of copies of the Bill be printed, for the use of the Members." Agreed to.

He afterwards moved, "that the Bill be read a second time on Thursday next." This caused a long debate.

The Honourable W. GREENVILLE said, that he should appeal to the candour of the House for support, in negativing the Motion that had been just made, and preventing the Bill from being precipitated with such indecent haste. What the reasons were, that induced him to make such an appeal to their candour, and to ad-

cross such a requisition to their justice, he would take the liberty to state; and when he should have done so, he trusted that they would join with him in reproaching the attempt now made by the Minister. His reasons were, the great importance of the Bill, the novelty of the system it held out, the alarming tendency of that system, the injustice it was big with, the aim being no less than to break through the Chartered Rights of the East India Company, to take away at once all the privileges and property of that Company, to violate rights, not only established by Charter, but established by repeated Acts of Parliament, and purchased for a valuable consideration. If the Charter of the East India Company was thus suffered to be broken through, what would become of the national credit? What stability remained for the Bank of England, the Charter of the Company of Stockholders standing upon a footing infinitely less secure, and less sanctioned by the faith of Parliament? These were considerations of great and infinite importance; and ought it to be a matter of a single moment's doubt, whether these considerations should be suddenly brought forward, or whether a few days longer should elapse, in order to obtain a fuller attendance, and in order to give such Gentlemen as were yet in the country, an opportunity of coming to town, and being present at the discussion of a Bill of such magnitude? His wish was, to postpone the second reading of the Bill till after the Call of the House, and he trusted that this wish would be ratified by the concurrent feeling of the majority of those present. Should such a Bill pass precipitately, and he earnestly hoped, so violent a stretch of authority, so unjust an attempt to seize inordinate power, never would become a law—should it be attempted to be passed through that House, what would the people at large think of their conduct? Called together as they had been at an unusual season of the year, did it become them hastily, in thin Houses, without allowing themselves time to weigh the importance of a system perfectly new, unheard of before, never even alluded to within doors or without, to proceed with as much dispatch as if they were going through a Bill of no moment, of no consequence? On the contrary, ought not the extraordinary and unusual tendency of the system made the subject of the Bill, to alarm their apprehension, to call for their caution, to excite their utmost wariness? What plea had the Right Honourable Mover urged, as the ground of proposing the system in question? He had mentioned only one, the plea of Necessity. That there was a necessity, an urgent necessity, to adopt some measure for the relief of the East India Company, for the regulation of their affairs, and what was still more pressing, for securing to the natives of India, and all who resided there, and were dependent on the East India Company, protection and security, he was ready to admit; but was he not to be allowed time to examine, whether the Bill then under consideration was the best adapted to the necessity in question? Or whether more lenient means of effecting the relief that the nature of the case required, might not be discovered? In opening the grounds of the Bill, the Right Honourable Mover had principally rested his argument, on what? Not on general facts, but upon the peculiar conduct of an individual! This was not the most candid way of opening the grounds of a system calculated for great and general purposes. On such a day, he should have expected individuals might have been spared, and the thoughts of the House directed to large and more important objects: But taking the case as it stood, what inducement had they to precipitate a Bill, that called more, perhaps, than ever Bill had done before, for circumspection, for investigation, for the most serious and the most deliberate discussion? The conduct of Parliament on similar occasions had been to pause, to proceed with all the slowness of doubt, to look again and again at the subject, and neither to determine on a sudden, nor without full evidence of the truth of the facts upon which a proposition was founded. When he used the phrase *similar occasions*, he went too far; he should have said, on occasions much weaker; on occasions that bore no sort of analogy or comparison, in point of importance, to that of the present Bill. In 1773, and in 1778, when Bills affecting, in a slight degree only, the constitution and rights of the East India Company, were under consideration, let the House recollect what had been the alarm; what the language of those days? Men were sometimes apt, in the heat of debate, to grow warm, and to adopt even stronger expressions than the occasion warranted. What the sentiments he had uttered were not peculiar to himself, might be seen by a reference to the sentiments of past times. In the Protections of the

House of Lords, to which he had a right to refer, the same sentiments would be found, but expressed with infinitely more dignity, more ability, and more authority, than he could ever pretend to lay claim to. He would not attempt to derive any weight or consideration from the names of the noble persons subscribed to the Protefts to which he alluded. He would not draw any additional weight to his argument from the name of the Marquis of Rockingham, a name ever dear to recollection; as the Marquis was a character, whose uniform and consistent adherence to fixed principles begot him the confidence and support even of those not naturally prone to act with him, but who were now obliged to deny their support to others, who had chosen to proceed on opposite principles! He would draw no weight and consideration from the name of the Duke of Portland, though confessedly acting, at the time that he signed the Protest, from the best and purest of all possible motives. Having put this pointedly, Mr. Grenville proceeded to read the Protefts in question, which were written in language remarkably spirited and warm. After going through them, and commenting upon each, particularly on that part of them that complained of the haste and precipitancy with which the Bills then passing, relative to the East India Company, were hurried through the House, Mr. Grenville asked to what end was the present Bill to be so rapidly and so indecently urged? Was it to be supposed, that the other House should so far forget their own honour and dignity, so far lose all sense of what was due to God and their consciences, to consent to pass a Bill so big with despotism, so arbitrary, so harsh, so violent, and so unjust, as that then under consideration? Nor was the Bill so objectionable in the point of views that he had placed it in, as it was in another, to which it yet remained for him to advert. No; it was harmless as the waste paper on the Table, compared to the other consequences that must necessarily follow, to the liberties and constitution of the country, should such a lamentable misfortune occur, as the passing of it into a law. The Bill was calculated to increase the Influence of the Crown, and that in a degree beyond all precedent enormous and alarming. Its obvious and unavoidable effect would be, to transfer the boundless patronage of the Indies to the Crown; or rather, to vest it for five years in the person of the Minister and his adherents, whether in or out of power. This was a consideration infinitely greater than any he had mentioned before: What was it, but to lift a Right Honourable Gentleman into a situation wholly unknown to our Constitution; a situation from which he could not be driven or moved, till he chose voluntarily to *abdicate his dictatorship*. The Right Honourable Gentleman had indeed talked of a term of years, at the expiration of which the Commission was to cease and determine; but he had too good an opinion of his talents, too high a sense of his spirit and daring ambition, to suppose, that having possessed himself of such inordinate power, he would ever condescend to lay it down, or to become once more an humble individual. It was not in human nature; it was not, he was sure, in the power of any man in that House, to perform such an act of self-denial. That he did not colour this too strongly, Mr. Grenville said, was easy to be proved; the Bill was full of blanks, and these blanks were to be filled by that House. It was talking a parliamentary language, to say the Minister was to fill the blanks, and that the seven Commissioners were the seven rominees of the Minister. After pursuing this strain with great elaborateness, for some time, he reiterated his appeals to the House, on the immediate relation the subject bore to their dearest rights, exclaiming, *libertas et anima nostra in dubio est!* At length he concluded a very animated speech, with earnestly exhorting them to reject the Motion, and change the day to Tuesday se'nnight.

LORD JOHN CAVENDISH said, though from not being a Peer, he had it not in his power to sign the Protest from which the Honourable Gentleman had read an extract, he made no scruple to declare, that he was decidedly of the opinion thereon delivered, at the time the Protest was entered; and that, because he thought the situation of the Company, at that particular period, justified the manly sentiments recorded in the Protest, that the House had now been called upon to attend to. Why was he of opinion now, that the Bill then before the House, or some Bill or other, calculated to effect a reform of the management of the Company's Affairs, was actually necessary; and that unless some Bill, adapted to such a purpose, was passed, and that immediately, the Company would be forthwith ruined, their credit lost, and the national credit in consequence violently shaken? Let the

Honourable Gentleman look at the situation of the Company at the time to which he had alluded, and at present, and see if they would bear comparison. Then the Company were in distress, it was true, but were they bankrupts? Was the revenue a sufferer? At present it was, to the amount of a million, and the debt was more likely to increase than diminish. With regard to his private opinion as to India, Lord John reminded the House, that he had delivered it unreservedly in the last Session of Parliament. It remained the same now. He had then said, he wished to God every European could be extirpated from India, and the country resorted to merely on principles of commerce! By which he meant, that the trade between Great Britain and Indostan might be carried on in like manner as we now carried on our trade with China. But was that possible? Gentlemen knew it was not; and it required little argument to prove, that all political measures must be adapted to the circumstances of the times, and the situation of the countries in which they are to be carried into execution, and to which they are to be applied. Fatal experience had proved, and indeed it was almost universally admitted, that the constitution of the East India Company was radically defective; that it was devoid of vigour; incapable of effect, and pregnant with abuse. The nature of the case called loudly for a new system: In the operation of a new system, power and supremacy must necessarily lodge somewhere; and where could it be placed so properly as in the hands of the Crown, subject to the check and controul of Parliament? This was the characteristic of the system laid down in the Bill that had been read that day; and till a better system, a system more wisely planned, and more likely to be efficacious, was suggested, he should consider it his duty to give it every possible support. He added, that as he knew the emergency was pressing, and that some system must be carried into execution with as much dispatch as was practicable, he held himself bound to vote for the motion. With regard to the charge of the present Bill's violating the Chartered Rights of the Company, it could not avoid it, and it did not set the precedent of such a practice. If the House would advert to the Bill brought in last Session by a learned Gentleman, and supported by the then Administration, they would find the Chartered Rights of the Company were as much invaded by that Bill, as they were by the present.

Captain LUTTRELL said, if he felt disposed to follow the Honourable Member who spoke first, throughout his arguments, he should not think himself warranted to do so, because he did not understand there was any question before the House, respecting the merits of the Bill; but merely, whether they should be considered on Thursday next, or postponed to a future day, for the purposes of obtaining a full attendance by a Call of the House, and of giving Gentlemen longer time, fully and deliberately to consider the principle of the Bill, before they gave their assent to it. He was, in truth, more surprized at this attempt to procrastinate the business, than at seeing a Right Honourable Member hastily rise, to check the progress of it in the onset, by reprobating the system, because he had observed it to be very unlike that which the late Administration had in embryo last year; but he hoped it would lay dormant for ever, unless the plan was a better digested one than what that Minister brought forward, to regulate the commercial intercourse between this country and America; and which, though an object little inferior to the present in importance, he pressed it into a Committee, when there was not even a House! for he perfectly well remembered, (observing to a Right Honourable Member, who pleaded for postponing the business, owing to the thinness of attendance) that his point might be secured by counting of numbers, and although the then Minister of the House forced that Bill through every stage he was able to travel it, with the attendance of less than one hundred Members; yet upon the present occasion, at the very moment that the House and gallery were crowded with Members, and almost every man giving a voluntary attendance to his duty, that could be brought to it by any compulsory means whatsoever, that Right Honourable Member urged a necessity for the Call of the House preceding a second reading of the Bill. He really had hopes, that upon no consideration the Right Honourable Member would have waved the objection, seeing it a feeble, if not an indecent one, to take, upon the ground of giving more time to consider the principle of the Bill. He would certainly determine with the Honourable Member who proposed it, if the second reading was the only stage in which that objection could be taken.

or even if he had hoped, that by studying the letter of the Bill for three weeks, or for three months, he could form a competent judgment, to venture the delivery of his opinion on a subject of such intricacy, and requiring a depth of knowledge, which by no better means of attaining; he should despair to reach the surface of. He knew the Right Honourable Member who moved the Call of the House, possessed a vast fund of information on that and every other political subject; that he was quick in his comprehension, and eloquent in his delivery; he can outrun by the study of a day, the judgment that most men would acquire by the study of a year; therefore, if the time of the second reading was necessarily the conclusive period to the argument on its principle, that the Right Honourable Member would be fully possessed of materials for it in less than half a week. It was to his arguments, and to such insights into the business as they might gather at the second reading of the Bill, and its progress through the Committee, from the peculiar abilities of the Right Honourable Mover, that those equally dull and uninformed with himself, might hope to form a tolerable judgment, whether the principle of it, as well as its component parts, ought to be assented to. The Right Honourable Member should recollect how peremptory he called upon Ministers, not only to bring a proposition forward, but to carry into immediate execution some plan for the better government of India: The necessity of such a measure was seen by every man who would look to the suspension of law and power in that country, and to the want of authority in those who have nominally the direction of it in this. To improve the police and revenue of India, in a manner best suited to the honour of Britain; must surely be every man's desire. Why, then, did they differ in the mode of attaining that desirable end? No; where was the alternative? You must either let anarchy and confusion, distrust and distress, continue, or adopt some plan of experiment. Those who object to this Bill, bring no other for their choice: Perfection is not to be expected in any experimental law. It may require the work of ages to make this perfect; but it has the advantage of being recommended by one of the most able and active Ministers that ever sat on that Treasury Bench. He was a Proprietor of India Stock, not coming within either of the descriptions pointed to by the Right Honourable Secretary of State. In opening that business, he became a purchaser, not because he thought it the most advantageous Fund to vest his money in; but to have the means of attaining some knowledge of East-India Commerce at the General Courts, and to give his vote in favour of those whom he thought most equal to the direction of it. He had not, he believed, a hat acquaintance with any man of power in India; nor with more than three of the Directors at home: He looked for no favours from them in either country; but he had uniformly given his vote at the India-house in support of Mr. Hastings, because from all he had read; and all he had heard respecting that Gentleman, he believed him to be less rapacious, and to have cleaner hands than any other man, who, in modern times, has possessed equal power and opportunities to enrich himself. That his government appeared arbitrary in the eyes of Englishmen, he did not wonder at; but before he condemned it, he must know that the tempers and constitution of the people there does not so far differ from those of Europeans, as renders severity excusable, if not commendable, when exercised only for the purpose of preserving command; for among the many respectable characters he had seen return from India to this country, he scarce remembered one that did not seem to him to have much to unlearn to suit his carriage to that equality which is the glory of British subjects. But if what an honourable and well-informed Governor had so emphatically urged was really true, that all the mismanagement complained of at home, and the ten-fold calamities which have been and are still felt abroad, really proceeds from Ministers having put into the Direction, (for sinister purposes) men unequal to the task, no better argument need be used, for altering the system of that government. He did not pledge himself to adopt the present, or any particular plan; but he certainly liked that proposed better than to leave the East India Affairs in their present state. If any other system for the better conducting the government and commerce of India, should be proposed, he could say with truth, that he would make his election in favour of which ever plan he should judge promised best to tend to the honour of this country, and to the prosperity of that, without either suffering private friendship or personal property to weigh a feather in the decision. He said, for the reasons he had

given, he would vote for the Bill's being read a second time on Thursday next, particularly as the Call of the House must precede the Report, when he should consider himself at liberty, as every other Gentleman would be, to object to the Bill *in toto*, if they disapproved its principle or its clauses.

Mr. JOHN ANSTRUTHER (Member of a District of Boroughs, for time immemorial under the influence of the family of that name in Fife) declared, that when he reflected that the Affairs of the Company were in a state of anarchy abroad, and confusion, if not bankruptcy at home, he was of opinion there was no longer time for delay. The grounds upon which Gentlemen would form their opinions, with regard to the Bill which was before them, would be the matters of fact which the Select and Secret Committees had laid before them, and the reasonings or judgment of the House upon those facts. Their determinations would flow either from a simple view of facts, or be founded on reasonings or arguments *à priori*. In whichever of these ways they should form their opinions, there could not be any pretext for procrastination. The radical defects in the present system of India Affairs were already pointed out by the Committees. These defects being understood, and all the facts they expected being before them, there could be no good reason for delaying the consideration of business so pressing, for a moment; especially when they considered, the Bill, after its spirit and tendency had been canvassed in the Committee, might, if disliked in the whole, be opposed on the third reading. This was the substance of Mr. Anstruther's first speech in Parliament, and it was heard with great pleasure.

Lord APSLEY, also a young speaker, in reply to Mr. Anstruther observed, that although much matter had been laid before the House by the Committees, and that they had also pointed out the radical defects in the system upon which this Nation had governed India, yet no specific proposition had been submitted before Tuesday last, whereby those defects might be remedied. But he observed, that they ought to be allowed time to discuss a matter of so much importance; to weigh its consequences maturely, and to take care, before they trusted the Minister with so much power, that it was not an engine capable of undermining the Constitution. The avowed object of the business was to support the tottering credit of the East India Company, to preserve our Territorial Acquisitions in India, and to give happiness and security to the natives of that quarter of the globe. To proceed with indecent haste, in a business so momentous, his Lordship said, would rather resemble the rapacity of plunderers, than the steady pace of well meaning friends.

Commodore JOHNSTON did not object to the second reading of the Bill on Thursday next, upon the ground that there was any event of information which a few weeks longer delay might be expected to supply, but because all the Members were not in town, whom he wished to be present; yet he frankly confessed, that no time was to be lost, and that the determinations of Parliament, with regard to India, should be ready to be sent with the ships that were to sail in February; for should a delay of six weeks longer be occasioned, that delay would make the odds of three or four months in the arrival of the ships in India. He wondered that Mr. Luttrell should express an approbation of the new regulations for India, and yet admire the character and conduct of Governor Hastings; since the facts were all charged upon Governor Hastings that had made a change in the system of India Affairs necessary. He expatiated on the violence and injustice of intermeddling in the Affairs of the Company, without trying them, and proving any delinquency against them. He illustrated all this, by comparing their situation to that of an oppressed individual. It had been said, and urged as a reason for controuling the Company's Affairs, that they were in a condition of bankruptcy. The Commodore insisted, that their affairs were in a very good train, if Government would only leave them alone. He said, that during the pressing exigencies of the Mharatta War, Governor Hastings had drawn on Government, and Lord North had accepted his bills, and given him leave to draw more upon the Treasury, which were not accepted. Commodore Johnstone contended, that Government were bound to pay bills of the East India Company to the amount of 600,000*l.* and that it was exceedingly unjust and hard, that the Company should be charged with a bankruptcy, which the failure of Government in their promise had occasioned. He mentioned that affairs had been better managed in India, than in America; that undoubtedly infinitely more money and lives had been wasted on America, which we had lost, than

than on the East Indies, which we had retained; yet all the cry of reform, at present, was founded in the pretended misconduct of Governor Hastings. Matters at no period had been in a more flourishing situation in India, since ever we had any trading there, than they were at present. The revenue was greater than it

had been, and more faithfully collected. It was true, there had been an interruption in remittances, and some millions had been expended in India, which we expected should come home—but the war made this necessary—a very terrible war, carried on by the French, the Mahrattas, and Hyder Ally—a war, he would maintain, as difficult, as threatening in its first appearances, although more prosperous in its issue, because conducted with great vigour and wisdom, than the war with America. Amidst much miscellaneous matter, many shrewd observations, and strong expressions—the great point contended for by the Commodore was, that the House, before they should advance to any serious discussion of the Bill, should hear the East India Company by Counsel at their Bar. Last year they had excellent Counsel, he said, of which (alluding to Mr. Erskine's promotion) they were now deprived. He said, he had caused a question to be put to the Chairman of the Court of Directors in full Court, whether he had ever heard of the system of the Minister or not? What his answer was, he doubted not that Honourable Baronet would inform the House. In the course of his speech, the Governor attacked Mr. Anstruther, for having stood up the friend of such a system as that proposed, after having made so many speeches at the India House, in supporting Mr. Hastings; he also arraigned the Select Committee as full of party-spirit and faction.

Sir Henry Fletcher rose and said, it was true the Honourable Commodore had caused such a question as he had mentioned, to be put to him in full Court. That he thought it an extremely odd question, and felt, that if any information of the system had been communicated to him officially, it certainly would have been his duty to have stated it to the Court; if it had been confidentially communicated by any of his Majesty's Ministers, he should have been bound to have kept the matter to himself: That in fact, neither was the case. After this, Sir Henry proceeded to state, that something must be immediately done to relieve the distress of the Company, on account of which he was extremely sorry to have given Ministers so much trouble. The Company's distress at home, he said, was well known; but their situation abroad rendered the adoption of some system of reform absolutely necessary, and that without delay. All their Presidencies were in a state of dissension. A paper war was carrying on between the Government of Bengal and that of Bombay, each charging the other with having caused the Mahratta war, and throwing back the charge from one to the other with great vehemence. The Presidency of Madras also was in a state of hostility with the Government of Bengal, the former having attempted to remove the Governor and Council of Madras, and the question being lost merely by a majority of one. If, therefore, anyone of the Supreme Council of Bengal should happen to drop, Madras would lose its Governor and Council. Another reason why it was necessary that the present Bill, if it passed at all, should pass as early as possible, Sir Henry stated to be this: The ships to India sail in February, and after the Bill was passed, it would take the Council of Administration, the principal seven Commissioners, some weeks to prepare instructions to be sent over to the Governor-General in India.

General SMITH, after making some observations on the propriety of having the important government of India speedily settled, entered at some length into the cause of the Mahratta war: He said, the Councils of Bengal and Bombay had mutually blamed each other; and it was difficult to determine to whom the blame ought to be imputed. He gave a detail of orders and dispatches that had occasionally passed between these Provinces and Madras; and seemed to fix the misfortunes that had followed, from the war, on the Council at Bengal. He expatiated at some length on the exorbitant drafts which were made on the Company; and pointed out that circumstance as one reason for removing them presently in power. With regard to the motion for delaying the second reading of Secretary Fox's Bill, he desired Gentlemen on the other side of the House, to recollect the powerful and undeniable reasons which the Honourable Chairman of the East India Company had offered; he said he had been antic-

pated by his honourable friend, for these were the very arguments he meant to use; but he was not sorry to be so deprived of them.

Mr. YORKE exclaimed against the injustice and inconsistency of Ministers, in attempting to deprive the House of deliberating maturely in the great system before them. He said, the business was important, and if the House were to refuse it a candid and attentive hearing, they might afterwards find reason to repent of their inconsiderateness.

Mr. JENKINSON imagined, that the point which wanted most to be determined was, Whether the Bill ought to be read a second time *next Thursday*, or put off till the House had been called over. He could see but little difficulty in determining that point; for if the object before them was interesting, it certainly was the duty of every one present to prolong the time, before its investigation, to the latest period. He said several things respecting the very dangerous tendency of the Bill, and exposed the boldness of the men who could venture to propose a measure that threatened such ruinous consequences to British liberty. But his chief force was directed against the influence which Ministers were likely to derive from the event of such a terrible system. He said, it would not only give them an unbounded power over the interests and possessions of the East, but render their posts so formidable, as to endanger the rights of every free Englishman.

Mr. SCOTT gave the House the first specimen of his talents, and we hope will continue to favour his country with a voice that seems so well qualified to promote its good. He said, as he had not had it in his power to give that patient consideration to the present business, which its importance demanded, he should be obliged to confine himself to a narrow view of the subject. Gentlemen who resided at a distance, and who were not nearly concerned in the fate of any enquiry, were but ill qualified to give a just and decided opinion; for it was a very necessary thing to consider before one could conclude, and to deliberate maturely before one could decide. This process he had not observed; he was, nevertheless, clear to say, that the Bill seemed to him rather of a dangerous tendency; but he would not declare against it: He would rather wait till he had got more light thrown upon the subject; and as he was attached to no particular party, he would then vote as justice seemed to direct. The two principal things which, in his opinion, the House ought particularly to enquire, were, "Whether the Bill is indeed necessary, and whether it was calculated to answer all the ends proposed by it." With regard to the first, it was the general opinion of both parties that some new system was necessary; and he thought it incumbent on the wisdom of the great Senate of the Nation, to give effect to the one now held forth to them, or to reject it, and propose another, as the interest of the nation should appear to be increased or diminished by it. Respecting the second head, he could not say any thing decisive. The researches of the House could ascertain that, and nothing else; and for his part, he was determined to add his endeavours, and to join issue in that cause, which should promise the most happiness and prosperity to the nation. In the multitude of Counsellors, he said, there is wisdom; from that principle, he hoped Gentlemen would be disposed to join unanimously in devising the means of restoring the power and riches of the State.

Mr. FOX paid some very handsome compliments to the Gentleman who had just spoken, and expressed a high opinion of his abilities and integrity. Though he had not had the pleasure of hearing him speak before in that House, yet he was not a stranger to his eloquence, and did not doubt of hearing it employed at all times on the side of equity. He could not, however, forbear taking notice of a thing that had fallen from the Honourable Gentleman's mouth. He had observed, that before one could decide, it was necessary to deliberate; but how had he acted in the instant business? Not, sure, consistently with the maxim he had laid down; for without any opportunity of deliberating, he had ventured to give his decision, and he thought with a good deal of positiveness.

The Honourable Secretary observed, that he could foretell what was to come from an Honourable Gentleman on the opposite side of the House (Mr. Jenkinson) long before it came to his turn to speak. He well knew, that the Crown influence, which was a favourite topic with the Honourable Gentleman who first proposed the motion, would be taken up by him. He could not blame him for taking up his friend's cause, although he thought that it would not have been done

in the manner he did. To see each Gentleman acting by instructions, and speaking what his friend had broached, was rather to view them in an inferior light. He really thought that they were both able enough, at least they ought to be able enough, to think and speak for themselves. With regard to that Crown Power, or rather *Ministerial Power*, for so some had absurdly called it, he saw no difficulty in answering all the objections that had been started to his Bill on that account; for it never was intended that the Crown influence should be encreased by the plan proposed, at least in a very small degree only. The appointment of the Commissioners is in the hands of Parliament; and he hoped Parliament would at all times keep a watchful eye to the proceedings of Administration. When his principles led him to oppose Ministry, he always viewed the measures of Administration with a jealous attention; and it was his wish, and it should always be his wish, to have his actions scrutinized by Parliament; it was their undoubted right to do so, and he hoped it was a right they never would lose sight of. He could not, he said, dismiss the topic, without combating a little, the witty, but at the same time invidious, distinction that had been made between *Ministerial Power*, and *Crown Power*. For his part, he could discover no ground for the distinction; he had always considered, that whatever conferred power on the Ministry, conferred at the same time an equal share of power on the Crown, and *vice versa*. There were, perhaps, some little circumstances in which their interests might not altogether clash; but these were few indeed, and of no moment. The Secretary now attacked the references which Mr. Grenville had made to the Protests of some noble Lords, amongst which was the respectable one of the Marquis of Rockingham, and some others now high in station. He said, the House of Commons was not to be guided by the decisions of any Court whatever, in matters which properly belonged to itself; and however weighty in the business before the House the Honourable Gentleman might suppose those protests, he could assure him, that they appeared not of such force to him. Those noble Lords were, perhaps, right in giving their protest; but had the Gentleman considered whether their motives were not different from any motives that might be supposed to influence the opposers of the Bill under consideration. Gentlemen had been pleased to talk of the means he had proposed for redressing the grievances, and restoring the reputation of the Company in India, as a *palliative measure only*, a *half digested plan*, and one by no means equal to the object it proposed to itself. The state of affairs in India at that moment, he said, was such, that even a palliative remedy was desirable: But it was not his intention to redress the grievances of India by palliatives only; he wished to see something done that might penetrate to the root of the disease; and he made no doubt but Gentlemen would find the remedy that had been proposed, equal to the end it had in view. The several clauses had been read; and when they were understood (for at present they seemed to be grossly misrepresented), he flattered himself the language of the House would be different. As to the proposition for deferring the consideration of the Bill till the House had been called over, he could see no good end to be gained by that. Submitted it must be to the consideration of the other House; and as they did not know what time their Lordships might chuse to detain it (as they would certainly detain it as long as was consistent with the dignity of the House they sat in); as that was the case, he thought that no time ought to be lost. Gentlemen that wished to be prepared, had time enough to be so before Thursday; and he could look upon the desire of a longer delay, as nothing but a subterfuge to defeat the purposes of the Bill. It was, indeed, in that light he viewed the conduct of the Honourable Gentleman who moved the House for a Call of the Members. He wished to have the House called much, because he knew they would not come. Had Mr. Fox proposed the day which the Honourable Gentleman proposed, he was sure he would have mentioned some posterior one. The very business before them, he said, had been hinted at, and not obscurely, some time towards the conclusion of last Session; and besides, it was both mentioned in his Majesty's Speech which closed that Session, and that with which he opened the present Session: So that there was no just ground for pleading want of information of the affairs before them. He concluded with saying, that he did not despair of seeing a happy issue of that political system which had been supposed to have its rise in despotism, and its foundation in corruption.

Mr. W. PITT replied in an ironical manner, to mostly all the particulars of Mr. Fox's speech. There were, he said, many weighty reasons that induced him to reject and detect the Bill. The accession of power which it would most certainly bring to the Ministry of this day, was not the least considerable of these. He dreaded the idea of seeing Ministers armed with an influence which could not fail of rendering them dangerous to the State, and he dreaded the effects of that influence the more, that its operations were so likely to end with the dissolution of the Ministry that possessed it. Their privacies would be so extensive, as to gain them a party that no power could resist, whether they were in power or out of power. The Right Honourable Secretary is so confident of the insufficiency of his plea, that no sooner has he affirmed that the power of the Crown and of the Ministry are one, than he immediately adds, *they may differ*. We hope they do differ very much. Whenever a Minister trespasses the bounds of moderation, or of justice, he shall always be able to distinguish the Minister from the Sovereign. The Hon. Gentleman has been at pains to attempt reconciling interests which are believed to be different. It must be confessed, that I have no talent at reconciling inconsistencies. The Honourable Gentleman said, that it was his sincere wish, that a Bill, so big with ruin to the nation, might be checked in its progress: He pledged himself to the House, that he would willingly take the field with his antagonist, and dispute every article that seemed to militate against the freedom and felicity of his countrymen. He had been at pains, he said, to try if he could but divine the reasons, or even the motives that led to so new, so insolent, and so precipitate an attack, on the rights and liberties of mankind. But he could discover no reasons, except one, that by introducing the Bill at so late a period of the Session, and hurrying it through the House, he might obtain the noble end of settling the Ministers in an unbounded and absolute power. He had talked much of the necessity of reformation in the laws of India; but reformation did not seem to be his plan. He did not shew a disposition to cure the disease by correctives; he must at once, by one bold experiment, extirpate the very seeds of the disorder. The right, he added, by which our gracious Sovereign holds the sceptre, is not more indisputably confirmed, than that by which the East India Company hold those deeds, and those Territorial and Commercial emoluments, which the hand of Oppression is now about to wrest from them.

Mr. ERSKINE made a very ingenious and pointed reply: He said, such language seemed as if the Honourable Gentleman meant to perplex, rather than to enlighten, and to declaim, rather than to deliberate. That he did not mean to go into the merits of the Bill then, because, though not much acquainted with the forms of the House, he took the second reading to be the proper and indeed the earliest time for debating the principle of any Bill. He would confine himself to the question then before the House, and he could not but declare, that it appeared very extraordinary to him, how those Members who were yet to come to town, were to study the Bill in the few days that must intervene after their arrival, better than those now in town could do, in the week that would pass before the Bill was read a second time. So far from there not being Members enough in town to consider the business properly, he declared, he had wished to speak to the question of time last Tuesday, and was only prevented from the utter impossibility he found to procure a seat. He reminded the House, that when sitting on the honour, character, and fortune of an Englishman last year, while he was pleading at their Bar, the House was counted over. Were not the Chartered Rights of a Company more valuable and more dear, than the personal considerations of an individual? He remarked, that an Honourable Gentleman had done him the honour to lament his loss to the Company as their Pleader; he knew not that he deserved that honour: but he assured the Honourable Gentleman, the Company should find him their Counsel and their friend, for he considered the present Bill as holding out the helping; not the avenging hand of Government.

Mr. AARON rose to support the opposition to the Motion; which he did with great ability and great humour. He said, there was a time, when, if such a proposition had been made, the Hon. Gentleman would have been upon a stage in the streets the next day. He ridiculed the scheme as the most futile or frivolous that ever wore the name of a well-digested system. What was it but saying, "Leave the whole

"whole to me and my seven Assistants, and I'll answer for all's doing well." He declared, he regarded Lord North as a King, and the Right Honourable Gentleman as an Emperor—the Emperor of the East! The seven Commissioners also might be considered as seven Emperors, seven *holy Roman Emperors*, tributary and subordinate to the Emperor of the East! The advantage of the situation in which the Right Honourable Gentleman meant to place himself, was, he said, an ample recompence for a ten years Opposition.

Mr. BURKE replied; and with great vehemence ridiculed and reprobated the conduct of Opposition, as the most unjust and unprecedented ever known or practised. Their arguments, he said, were arguments of the heart and not of the head; and therefore were incapable of an answer. They knew their own base minds, and therefore imputed base motives to others, when they could not arraign the system itself. Mr. Burke talked of his labours, in watching and examining the nature of the patient's disease, as if he felt the ingratitude of those who did not consider their value. He said, he had sat by the bedside of the patient for several years, and now he knew the patient's habit and constitution; and was perfectly acquainted with the force and tendency of the disorder, and what was the fit *recipe* of the medicine. Opposition said, these bolusses are too large; this purge is too strong, this blister too broad, you are going to take away too much blood, and you will kill the patient. This was, he said, the exclamation of ignorance and folly. He also reprobated the scurrilous invectives which they prematurely applied to a plan, that yet they were perfectly and confessedly unacquainted with.

Mr. WILBERFORCE answered Mr. Burke; and with some humour and considerable ability, he compared the two commissions to seven physicians and eight apothecaries, come to put the patient to death, *secundum artem*. After laughing with this idea, he became more serious, and said, he wished that in the end, if the present Bill passed, we might not see the Government of Great Britain set up in India, instead of that of India in Great Britain.

Mr. T. PITT rose to reply to Mr. Burke, who, in a part of his speech, had charged Mr. Grenville and Mr. W. Pitt with having sounded the trumpet of alarm, and endeavoured to raise the clamour of the Public against a system, new, indeed, but neither examined nor known. Mr. T. Pitt declared, if he happily possessed a *warning voice*, he would endeavour to make it be heard against a Bill of so alarming a nature, in the remotest corners of the kingdom.

Mr. SAMUEL SMITH, junior, stated the situation of the Company's Affairs, from a paper full of figures and accounts, with a view to overthrow Mr. Fox's statement of Tuesday last.

Commodore JOHNSTONE said, he understood it would be unfair to divide the House, after what had fallen from an Honourable Gentleman below him; and yet he knew not how to act, as he had given his word to several India-Stock Proprietors, that he would take the sense of the House, in order to ascertain how the Chairman of the East-India Company, and the Directors, that were Members of that House, would divide. If Sir Henry Fletcher meant to support such a Bill as that in progress, he ought, the Commodore said, to resign his trust, and give up the Chair to some Director more zealous for the Company's interest.

Sir HENRY FLETCHER rose, and observed, that the question was not upon the merits of the Bill, but merely as to the day when it should be read a second time; that he should certainly vote for the question; but he was not prepared to say how he should act respecting the Bill. There were in the *breviate*, read from the Chair that day, many things of which he had never before heard, and which he must consider, before he formed a decided opinion respecting them. This, however, he knew, that the Company stood greatly in need of relief, and that immediately.

The Question was then put, that Mr. Fox's Bill be read a second time on Thursday next, which was carried without a division.

Tuesday, November 25, 1783:

Sir HENRY FLETCHER rose, to move for leave to present a Petition from the Court of Directors of the East India Company, against a Bill then pending in that Honourable House, for "vetting the Affairs of the East India Company in the hands of certain Commissioners, for the Benefit of the Proprietors and the Public." Sir Henry opened the purport of the prayer of the Petition, and the several allegations on which the prayer was founded. The Petition stated, among other matters, that the present Directors were chosen for four years, under the authority of the Charter of the Company, sanctified by various Acts of Parliament; that they were not conscious of having been guilty of any crime that merited their being not only deprived of their legal rights, but violently impeached in their characters; men who had faithfully and zealously discharged their duty in that station in which the voice of the Proprietors had placed them. By the Bill then pending, they understood they were to be divested of their authority and offices, and that without the allegation even, much less the proof of any one specific charge of neglect, or wilful inattention to their duty. Thus the Court of Directors considered as a treatment equally harsh, unprecedented, and unjust: They therefore prayed the House to allow them to be heard by themselves, or their Counsel, against the Bill.

The Petition was ordered to be brought up, and having been read at the Table, Sir Henry Fletcher moved, "That the Petition lie on the Table, and that the Court of Directors be heard by themselves, or their Counsel, against the Bill, if they thought fit."

The Motion being put by the Speaker, Mr. Secretary Fox rose, and said he meant to give the Motion no opposition; and as the Bill in question, would necessarily call for farther discussion, it was not his intention to take up a great deal of the time of the House then; but as much had been said upon the account of the state of affairs of the East India Company, given in that House, and the account given elsewhere, he thought it incumbent on him, to take the earliest opportunity of declaring, that if when he had described the situation of the Company some days ago, any person conceiving him to have asserted that the Company were bankrupt for eight millions, meaning thereby, that the Company owed eight millions more than they were worth in the world, or more than their estate could pay, he had been most egregiously misunderstood indeed.

Mr. W. PITT rose immediately, and said he had no design to bring on a debate upon the Bill at that moment, because he knew it was an improper time for such a matter to be debated; but he rose to declare, that a very great number of Gentlemen had understood the Right Honourable Secretary to have asserted, that the East India Company were bankrupt to such a degree, as to stand indebted eight millions over and above all they were worth in the world. That assertion, he begged the House to take notice, was now for the first time disavowed. The Right Honourable Secretary had said truly, that the Bill must undergo farther discussion. It must indeed. It was a Bill of so extraordinary a nature, that the grounds of it must be fully discussed; and every fact stated by the Right Honourable Gentleman must be probed and examined to the bottom. The idea that the Company owed eight millions more than they could pay, was now admitted to be false and fallacious. He had heard, from undoubted authority, that the East India Company asserted, and were ready to prove at the Bar, that the Right Honourable Gentleman had made omission in his statement of their affairs, to an enormous amount indeed, and such omission as were of the most gross and palpable nature. As, therefore, the affairs of the Company, and the disordered state of their affairs, made up the necessity avowed to be the only plea to justify such a Bill as that depending, it behoved that House, in regard to its own dignity and honour, in regard to the legal rights of the Proprietors, in regard to the legal rights and public character of the Court of Directors, and in regard to the justice due to the People at large, to investigate the grounds of the necessity, to inquire minutely into the truth or falsehood of the several facts stated to the House as constituting that necessity, and to ascertain to what extent the necessity existed. That there was a necessity

necessity for Parliament to interpose, and by some sort of salutary regulation to relieve and support the East India Company, was on all hands admitted; that there was a necessity for applying so violent a measure as the Bill then depending; he very greatly doubted, and the East India Company confidently denied. That denial they rested on the real state of their affairs; a state far different from that given to the House by the Right Honourable Secretary, and a state, the validity and verity of which, the Court of Directors and the Company, he understood, apprehended they should be able to make appear on the grounds of unanswerable evidence. With regard to the Petition that had been just read, he conceived the Court of Directors had, in that Petition, called for the attention of the House to two points, viz. that the Bill depending went to affect a gross violation of their legal rights; and that it implied an impeachment of their characters and their integrity, as Directors of the East India Company; the Petition complained also, that the Bill aimed at effecting both these points, so injurious to the Court of Directors, without say one specific charge of delinquency on their part; that called for so severe a punishment, having been previously alleged or proved. Before men were proceeded against in so violent a manner, he said, they ought to be proved to have merited such vengeance. He wished it, therefore, to be understood, whether it was intended to give the Court of Directors a fair opportunity of defending themselves; and disapproving the statement of the affairs of the Company that had been given to that House, before the Bill was farther proceeded in. Government ought to say in what manner they meant to act, and whether every paper, and every account that could elucidate the subject, would be permitted to be discussed; examined, and ascertained, previous to bringing any farther a Bill; manifestly tending to overturn the legal rights of the Company; and of the Public.

Mr. Fox rose again; and said; undoubtedly every paper and account that could throw any light upon the subject, or give the House any necessary information, ought to be upon the Table; and to be fully examined. With regard to what was to be the mode of conduct, in respect to the Court of Directors Petition; that would rest with the House, and be for them to determine; as the circumstances should render necessary. He was not inclined to follow the Honourable Gentleman's example, and lead the House, thin as it was, into a premature debate; or, perhaps, Mr. Fox said, he might have observed, that notwithstanding the Honourable Gentleman's moderate expression now, and his recommendation of *something like a sort of regulation*, there was a time, and that not long past; when he had thought a stronger measure necessary. There was a time when he called for vigorous exertion; and when he said no palliatives; no emoluments, no half-measures would do! Possibly those who had now listened to the Honourable Gentleman's language; did not expect that the politician who so recently reprobated half-measures; would so very soon have changed his note, and said; the *interposition of Parliament with something like a sort of regulation*, might be wanting.

Mr. Pitt; in reply, said; there was a medium between half-measures and measures of the extreme rigour. It was not necessary for him then to go into an explanation of what he had meant on the first day of the session, when he talked of palliatives; but he would venture to assert; that the man would not be disgraced who, in applying a remedy to a case of the greatest importance, should prefer a lenient regulation; to a regulation like that proposed in the Bill of the Right Honourable Gentleman; which was considered by most men as a measure of unparalleled violence and oppression.

Mr. Burke said; that lenient regulation, and violence and oppression, were mere words; signifying nothing, and therefore absolute nonsense. All general terms of expression depended for the truth of their signification upon the nature of the case to which they were applied, and therefore the most opposite expressions might often mean one and the same thing; that which some men termed violent and oppressive, might, from the peculiar circumstances of the case, be the most lenient measure that ought to be adopted; and in other cases, differently circumstanced, a measure apparently lenient, might prove extremely violent and oppressive; so much therefore for this war of words. Mr. Burke then said, that in stating accounts, a certain rule of conduct must ever be adhered to, and whenever that rule was disregarded, there would necessarily be an opposition of sentiment. He hoped the Right Honourable Gentleman who spoke last, took care to examine both sides of his book before

he struck a balance, and that he cast up the debtor as well as the creditor side, previous to his venturing to harangue in public upon the state of the account, and to impute fallacy and falsehood to the statement given by others. In stating accounts of a great and extensive nature, those who look into the account, and give credit for speculative and uncertain matters, matters depending upon eventual circumstances, acted very unwisely; because if they took credit for such matters of probable value, they were bound in justice to allow for the possible loss upon those matters, and upon the expence they would incur. The certain rule to which he had referred, was, to make a party debtor for debts which he actually owed, and to give him credit for effects and property which he actually possessed. Such a statement of the account was the only one that could be trusted and proceeded upon with any certainty of avoiding fallacy and deception. If the Right Honourable Gentleman was so eager to take into his state of the account of the Company's affairs, all the possible effects that might arrive from India, his Right Honourable Friend who had brought in the Bill, he would assert, would have it in his power to charge the Company with a load of debt, of which no notice had yet been taken, and which it would not be an easy matter for them to get rid of. Mr. Burke considered Mr. Pitt as pledged to prove his Right Honourable Friend's state of the Company's affairs false and fallacious; and said, he might not find it so easy a matter to do that, as to talk of it in the most vehement and offensive language. The threats and menaces he had held out, would not, he assured the Honourable Gentleman, shake the firmness of a man, though they might operate as bugbears to frighten children. Which was the true, and which was the false state of the account, remained to be proved, and could only be deduced from a fair examination of the papers on the table. He warned the House, however, from the extreme danger of trusting too implicitly to assertions made at the Bar, or accounts or papers produced there; because the House had it not in their power to investigate such evidence, so as to enable themselves to ascertain what degree of truth it merited. Mr. Burke added some other remarks, and concluded with declaring, that he had not the smallest objection to the motion.

Mr. T. PITT said, it had not been his intention to say a word upon the Bill that day, but he rose in consequence of the Honourable Gentleman, who spoke last, having talked as if an Honourable Friend of his had pledged himself to prove the Right Honourable Secretary's statement of the affairs of the East India Company false and fallacious. His honourable Friend had not said a syllable that implied his either considering himself, or warranting; the House to consider him, as pledged in any manner whatever to exhibit such proof. His honourable Friend had indeed said, that he understood the East India Company apprehended they were able to afford that proof. Exclusive of this, he would say for himself, that the Right Honourable Secretary was bound, on his part, to make good every tittle of his statement. Every man who hazarded an assertion in a public assembly, was bound, when called upon, to prove his assertion; but men, in high and responsible situations, like that held by the Right Honourable Gentleman who brought in the Bill, were more particularly bound to make good their assertions. With regard to what had been said about palliatives, and measures of oppression and violence, he was ready to admit that in the case of the East India Company, a palliative would not have been an adequate remedy. He had declared as much in that House, but he never meant to have it understood, that in his opinion, a remedy so violent as to destroy the patient, ought to be adopted. The Bill that had been brought in was certainly no palliative; but it would operate in extinction of the object it was professedly intended to assist, and was a remedy much worse than the disease. Before, therefore, it could be expected that a Bill, which had spread such a general alarm, should meet with the concurrence of that House, the necessity on which such a Bill was declared to be grounded, ought to be established beyond all contradiction.

Sir HENRY FLETCHER said, the Court of Directors had given orders for a variety of papers and accounts to be prepared in support of the allegations of their Petition, and that papers and accounts up to a certain day last year, were already prepared, and before the House, which would throw a considerable light on the business.

The motion was then put and carried.

This matter over, Sir Henry Fletcher stated, that at the last General Court it had been discovered, that the Secretary, in making a copy of the minutes of the preced-

the General Court, to present to that House, had committed a mistake, by inserting a paper, which he had read as a part of his speech, as an official paper. This was, Sir Henry said, a mere clerical error; he wished, therefore, to know from the Chair, how it could be rectified.

The Speaker said, it was usual in such cases, which were not unfrequent, to apply to the House for leave to withdraw the incorrect copy, and to present an amended one.

This was immediately adopted, and an amended copy presented.

Wednesday, November 26, 1783.

Mr. SECRETARY FOX brought in his "Bill for the better Government of the Territorial Acquisitions and Dependencies in India," which being upon motion ordered to be read a first time, the title and part of the preamble were run through at the Table, and the Breviate was recited from the Chair. The Bill appeared to be one of the most copious, comprehensive, and particular, we ever remember to have heard introduced into Parliament. The aim of it is to propound and establish such regulations in India, as shall be most likely to secure a peaceable and prosperous Government of the British possessions in that quarter of the globe for the future; to quiet the native Indians, Princes, as well as less exalted individuals, in the possession of their lands and property; to protect them from the rapine of the Company's servants, whether in power or otherwise, and finally, to check the progress of corruption, and effectually defeat its end.

As soon as the Speaker had got through the Breviate,

Sir EDWARD ASTLEY rose, and confessed himself wholly unfit to debate the subject then under consideration, not sufficiently understanding a matter of such magnitude, to be able to treat it in that manner in which so important a topic ought to be treated. But Sir Edward said, he could not help reminding the House, that a plan of governing India had been in agitation three years ago, and had then been reprobated in the strongest terms in that House, as a measure that gave too much power to the Crown, and was of too unjust a nature to be fit to be adopted. Sir Edward declared, he was perfectly aware, that a mere trading Company was incapable of conducting the affairs of India properly, and that therefore the interposition of that House was absolutely necessary; but he much doubted whether such a Bill as that in agitation, did not tend to increase the Influence of the Crown in a manner that must alarm every friend to the constitution. If such a Bill passed, he should expect shortly to find it necessary for that House to come to a vote like that passed three years ago, viz. that the Influence of the Crown was increasing, had increased, and ought to be diminished. Sir Edward added other reasons why he thought the Bill gave too much influence to the Crown.

Mr. Secretary Fox rose immediately, and said, all that had fallen from the Honourable Baronet appeared to him rather to apply to the principle of the Bill, not then under consideration, but to the Bill which had been just read a first time. When the proper time came for discussing the principle of the Bill, ordered to be read a second time to-morrow, he should be very glad to hear every objection that the Honourable Baronet had to make to it, or that any body else could propose: to that Bill there were undoubtedly various objections entertained in different parts of the House; he doubted not, therefore, that the subject would be fully discussed; but he hoped those who did object, would follow the example of the Honourable Baronet, and take the matter up upon fair grounds of opposition. The honourable Baronet had admitted the necessity of some measure being adopted relative to India, and had acknowledged, that a Company of Merchants were inadequate to the conduct of so vast and important an object as the management of our territorial revenues in India, and the government of our possessions there. Admitting this, the Honourable Baronet had objected that the Bill in question tended to increase the Influence of the Crown. This sort of opposition was fair and parliamentary, and he hoped it would be followed. He hoped that no Gentleman would object to

the Bill singly, or consider it in a single point of view; but that while it was stated, that the Bill tended to increase the Influence of the Crown, the necessity of adopting some measure respecting the future Government of India would be taken into consideration, and then the question with respect to the Influence of the Crown would stand on its true ground; and the only point in doubt would be, whether the Bill which was to be read a second time next day, increased the Influence of the Crown in a manner that was unnecessary. With regard to the Bill that had been read a first time that day, he did not conceive there could exist a doubt as to its principle, or that there would be any objection to reading it a second time on an early day. He meant therefore to move, that it be read a second time next Tuesday; and he would name a long day, before its going to the Committee, in which stage he imagined it would call for the most discussion. Mr. Fox also said, he should move to have it printed, to which he presumed there would be no objection.

Mr. W. PITT said, as far as he had been able to catch the idea of the Bill that had been just read from the breviate, there could be little objection to the principle; but as it contained an infinite variety of important regulations, he hoped due time would be allowed for Gentlemen to make themselves masters of the whole of it, before it went to the Committee.

Mr. ARDEN begged leave to observe, that there seemed to him to be something improper, in endeavouring to precipitate the passing of the Bill that had been read a first time that day. If his ear had not deceived him, the several clauses went to the investment of various powers in the Commissioners named, or rather to be named, in the other Bill; it therefore pre-supposed as a matter of course, that the other Bill would pass. Now, as this was not a fact absolutely certain, he thought the present Bill should wait till it was determined.

Mr. Secretary Fox said, the objection was an extreme fair one; but if Gentlemen had attended closely while the Bill was read, they would observe that it was merely a Bill of Regulation; and that so far from giving power to any person, it almost, in every instance, tended to lessen it. They might have observed also, that by a clause properly adapted, it was easy to change the words Commissioners to Directors; and as he conceived, let who would have the management of the East India Company's Affairs in future, it would be admitted that some regulations were necessary, there could be no objection to its going on. He owned, for his part, he wished it to proceed with as much dispatch as possible; but as he was not vain enough to think, that any Bill he could fabricate, would be perfect; or that any Bill, containing so large a number of various regulations, would not call for much discussion, and even some alteration, he certainly would give due time for Gentlemen to consider the subject, before he moved the day of its commitment.

The Bill was then upon Motion ordered to be read a second time next Tuesday.

Thursday, November 27, 1783.

Mr. Secretary Fox moved for the Treasury Minutes, on the application of the East India Company for the aid of the Public some months ago.

Lord MAHON said, he had no objection to the production of this or any other paper, which could be of use in the Bill before the House; but he must make this observation, that as the Bill was to be read a second time this day, it was rather singular that the Right Honourable Secretary should not have called for these papers sooner. If they were necessary to the consideration of this Bill, they were called for too late. Gentlemen had not time to read them. If they were not necessary, why call for them at all?

Mr. Secretary Fox said, he undoubtedly would have called for these papers sooner, if he could have imagined that any objection would have been started to the assertion and statement which he offered to the House, of the Company's Funds. To other parts of his argument he expected objection. To the plea of Necessity, of Emergency, he fancied, that arguments might have been set up, but he could

not

not have imagined that any set of men would have alledged, that the Company's Funds were in a good, nay in a flourishing state. It had been said, however, and he had called for these Minutes. The East India Company had distributed a paper, which they called a State of their Affairs. To this Account of their Finances he had material objections; and pledged himself to exhibit to the House and the Public, what he thought rational objections to articles in this Account, amounting, in omissions and misstatements, to the sum of Twelve Millions. He begged to be understood in this declaration. He did not say, that he would prove that their Account was erroneous to the amount of Twelve Millions; he did not say that he would be able to prove this to the conviction of the House; but that he should be able to state rational, and what he called well founded objections to articles of omission and misstatement in this Account, to the amount of this sum.

LORD MAHON begged that the House might understand clearly to what the Right Honourable Secretary had now pledged himself.—About the word Bankruptcy, it seemed, there had been misapprehension. He understood then that the Right Honourable Secretary pledged himself to set up and prove Errors in this Account to the amount of Twelve Millions.

Mr. Secretary Fox said, he by no means pledged himself to be able to prove to the conviction of all the House: There were men who, whether they were convinced or not, would not confess conviction; but he pledged himself to exhibit, what he in his own mind considered to be rational objections to this Account, in omissions and misstatements, on the Debtor and Creditor side, to the amount of Twelve Millions: But unquestionably his objections might not be esteemed, as proofs by the House—he could only say that they brought conviction to his own mind.

The papers were ordered, and Mr. Sheridan immediately laid them on the Table. The Order of the Day for the second reading of the Bill “for vesting the Affairs of the East India Company in the hands of certain Commissioners, for the Benefit of the Proprietors and the Public,” was then read, and Counsel were called to the Bar, for the East India Company, and also for the Directors.

Mr. Rous and Mr. Dallas appeared for the Company; Mr. Hardinge and Mr. Plomer for the Directors. On the speeches of all these learned Gentlemen to observe, in general, that there was a spirit and animation superior to the common tone of pleading, and which was well suited to the importance of the occasion. As it may be fairly presumed, that the collected sentiments of the Counsel contain the most obvious and plausible arguments that can be urged against the present Bill, it may not be improper to touch upon the principal topics of those Pleaders; and this the rather, that a previous attention to these will be necessary, for the purpose of entering into the spirit and reasoning of that admirable reply which was made to the learned Lawyers by the Right Honourable Secretary of State.

Mr. Rous, after adverting to the importance of the cause in which he appeared, to the Company, to every Chartered Corporation, and to all the subjects of Great Britain, said, that the situation in which he stood at the Bar was new and singular. Against his Clients nothing was charged; what to prove, or what to refuse, he was at a loss. He put the question to the Speaker, what was the guilt that was imputed to the East India Company? And passed in seeming expectation of an answer.

The SPEAKER said, Mr. Rous, you must guide your pleading by what appears on the face of the Bill. I am not charged by this House with any information to you of any kind.

Mr. Rous therefore proceeded to reason against the Bill, from a general view of it, and on general principles. He insisted on the injustice, the dishonour, the impolicy of violating public faith, and invading private property. The management of the Company's Affairs was to be torn from themselves, and placed in the hands of a dark Cabal, under an influence it might be very unfavourable to their interests. This was despotism; and despotism was by no means favourable to commerce, which required liberty, justice, and security of property for its very basis. It was said the Company was in a state of bankruptcy and ruin, and Parliament intended to protract the evil day that was to consummate the ruin of both the Company and the nation. He admitted that a case might exist, in which the Legislature ought to interpose for the preservation of the State, and sacrifice a part to the good of the whole.

whole; but was the present such a case? If the Company were bankrupts, if they were in danger, and the their probable ruin likely to ruin the nation, he would be silent, and deplore the hard necessity that demanded their downfall. He joined the House upon the fact, and undertook to prove, by undoubted evidence, that the Affairs of the Company were in no other situation than that which the common course of events, and the natural order of things, would render flourishing. The War had occasioned great expences to the Company; but Peace had been established with the Mahrattas, and such saving would be made, as would pay off all the arrears. Our successes in the East had redeemed our losses in the West, and furnished the price of peace. He described the situation of our affairs in India; and concluded, that there was no apprehension of danger of any kind, but the greatest prospect of peace and prosperity.

The learned Gentleman placed the danger arising from such a precedent as would be established by the Bill, if it should pass, in a very clear and striking light; and affirmed, that if such infractions of public faith should become familiar, Parliaments might be continued by way of form; but faction, cabal, influence, would set the laws at defiance, and trample upon all property and justice. For what, he asked, is better secured to any man, than the property of the Company is secured to them by different acts of Parliament, which he pointed out. He concluded, as he had begun, with shewing the general importance of the Bill that was now agitated; and that the East India Company, should that Bill pass into a Law, would only be the first victim to faction, and a spirit of tyranny. Mr. Rous desired, that the Accountant, and the Auditor of the East India Accounts, might be examined on certain points, and they were examined accordingly. Their evidence went to authenticate that statement of the affairs of the Company, which lay on the table.

Mr. DALLAS, after an apology for appearing in the character of a pleader before so august an assembly, by the importance, and by the extreme clearness and evident justice of his cause, allowed, that if, indeed, there was a necessity for the interposition of Parliament in the Company's affairs, it was their duty to interpose; but no such necessity existed. No necessity that did not exist three years ago, when the Company, in consideration of advancing a sum to Government, received a renewal of their Charter. He pressed on the Honourable Members of the House, the iniquity of invading private property, and breaking the faith of Parliament. It was only when the very existence of a state was threatened, that such violations could be justified. But he endeavoured to shew, that the great plea of bankruptcy was without foundation, and expatiated on the resources of the Company. He said, that if the Bill should pass into a Law, it would be a death-warrant to all the charters, and immunities of corporations, and of individuals in Britain.

Mr. HARDINGE appeared as Counsel for the Directors of the East India Company. The interests of the Company, he said, were invaded, and the honour of their servants attacked. The most violent outrage was threatened on all that can be held valuable by men. In speaking on a subject of such magnitude and importance, he intreated to be indulged, and he claimed, as his privilege, the utmost liberty of speech. When that liberty should be denied, the liberties of England would be laid low in the dust. He adverted to a great deal of that reasoning on the Bill pending in Parliament, which had taken place in the House on former occasions; and that he might do so consistently with form, and without seeming to rest upon *extrajudicial* evidence, he treated the newspapers, from which alone he pretended to derive his information, as libels, as violent, scandalous, and severe libels against the proceedings of Parliament. What, he asked, have the Directors done, that ought to forfeit the confidence of the nation? Have they been guilty of an error of judgment in any instance? Pity them, and look at home. Is the defect, not in the servants of the Company, but in the system of the Company's government? Rectify that system—Supply its defects. Have they been guilty of any act of omission, or commission? Prove their guilt—Accuse them—Punish them. Ah! absurd, said Mr. Hardinge, in these propositions? Oh! but says the Honourable Secretary who brings forward the Bill, this is not a Bill of Pains and Penalties; it has no retrospect: For God's sake, Gentlemen, don't be alarmed; we do not mean to punish you; be quiet, lest you should provoke an enquiry that may followed with punishment. He recalled to mind the honourable testimony that been borne to the virtue of the Directors by the Secretary himself, and chal-

lenged

lenged the House to impeach, if they could, the integrity of their conduct; indemnity, where no crime was committed, was no favour; and it was a cruel insult to turn men, without any cause, out of their offices, and, at the same time, to justify such conduct, by alledging that no other punishment followed that act of injustice.—You have done your duty very well.—*Non posces in cruce cervos.*—Mr. Hardinge shewed, that it was not from the defect of the law, or the fault of the Directors, that the abuses complained of in India had originated; and that distance and corruption, under any system, might often set laws at defiance. The Parliament had assumed to itself the privilege of nominating the Company's servants; those servants had not done their duty; and now it was proposed to visit the iniquity of the servants on the masters; would it not be better to enquire into the cause of abuses, and to remove that cause, than to go so roundly to work? Wherever any grievance takes place, is there no remedy but to appoint seven Commissioners to controul the subject of that grievance? The affairs of this nation are not in very good order. We have lost America, and other possessions; yet we do not hear of any number of Commissioners for the government of national affairs. There are doubts and surmises, and a general gloom hanging over the Public Funds. Why not appoint seven Commissioners to controul the Bank, and to manage every thing else relating to public credit? Mr. Hardinge, pursuing this vein, enumerated various other particulars, in which the appointment by Parliament of seven Commissioners, and eight Clerks (alluding to the eight Assistant-Proprietors) would be as natural and proper, as the appointment of Commissioners for the government of India. The Bill in agitation, he considered, as wearing a very tyrannical and military aspect. The Clause empowering the Commissioners to enter into all the Company's Ware-houses to seize their money, papers, books, and property of every kind, put him in mind of an army entering into, and pillaging a reduced town. Having pointed out the addition which the Bill would make to the Influence of the Crown, and the example it would set of disregard to the legal claims of the People, he recalled to the mind of the House former professions of patriotism, and touched on the duty and institution of Parliament to protect the Commons. He exclaimed, in the language of the sacred Scriptures, "Oh! that an enemy had done this! But my own friend—my particular friend! even he did lift up his weapon against me!" Mr. Hardinge appealed warmly to the candour of the House, and forewarned them of the danger of breaking laws, and of diminishing the respect due to Parliament, and the national honour, in this kingdom, and throughout the world:—*Res agitur tua proximi cum paries ardet.* He dwelt on the dangerous tendency of the precedent that the Bill, should it pass into a Law, would establish; and conjured the House not to give a wound to its own honour, and to the liberty of the nation, by infringing the laws, seizing private property, and violating public faith.

Mr. PLOMER observed, that besides the Territorial Revenues, which amounted to five millions sterling annually, which the Company had provided by conquest, they were in possession of tenements and land, both here and in India, but especially in India, of very great value, as well secured to them as the possessions of any individual in England; they held them, indeed, by the same tenure, the good faith of Parliament. The will of Parliament being supreme, if that will should cease to be governed by a regard to equity, justice, and its own decisions, what property, or what person would be safe?—It was now two hundred years since the first institution of the English East India Company; their rights were confirmed by length of time, by long possession, by repeated acts of Parliament. Their Territorial Revenues should not be considered as belonging to Government, any more than their Commercial Concerns; for these revenues were necessary to protect commerce, which was the great object, and the paramount consideration, in our connection with India. He said, that the spirit of the Bill was inimical to commerce, which disliked all dark cabals, and loved to explore its own affairs, and to choose the terms on which it should run any risk, and the persons in whom it should confide. The Proprietors of East India Stock were much interested in the good character of the persons whom they should send to India; and, in general, in matters that came under their cognizance. It was not so with the Commissioners. No particular interest bound them to the prosperity of the Company.—Interests of various kinds might often lead them to act in contradiction to them; their situa-

which would naturally inspire them with dispositions to intrigue, and to grasp at political power. It was stated in the Ninth Report, that the act which passed in 1773, narrowing the Court of Proprietors from voters of five hundred pounds property; to those of a thousand, had, by diminishing the number to be influenced, greatly contributed to encrease the power of the Crown to influence them. From that day, a wider door of corruption and faction in the management of the Company's affairs, was opened than ever; but with how much greater force does this argument apply to the small number of Seven Commissioners. Those men will naturally study, in the first place, to provide at all hazards for their own relations and dependents, as these, in their turn, will be, above all things, studious to please their masters at home. Thus, Mr. Plomer concluded, that the tide of corruption would flow with a more violent current from India to Britain, than ever; and that whether the House had regard to its own purity, to the rights of the Company, or the general privileges of the nation, they would not suffer the Bill before them to pass into a Law.

As soon as the Counsel had withdrawn; Mr. Secretary Fox and Sir James Lowther both got up. The Speaker put an end to the question, by stating, that the point of order was; that the Bill should now be read a second time, which he did; and the question be put, that this Bill be committed.

On this question, the two Members again got up, but Sir James saying that he spoke to order, he was desired to speak.

Sir JAMES LOWTHER then said; that before the Right Honourable Secretary should proceed, for he did not wish to prevent him from entering on his *Defence*, as much of the debate on the subject before them, would turn on the situation of the Company's affairs, he should move; that the books and papers of accounts exhibited as evidence by the Counsel, and now lying on the table; should be read.

The Speaker said, that the order was, in his opinion; that the books and papers were adopted as evidence. The Counsel might have desired them to be read; but it was the practice of the House; when such papers were presented, to suffer them to lie on the table, with only reading their titles; and in the course of proceeding on the Bill to which they related, any Member might order them to be read, not once only, but a hundred times.

Mr. KENYON was not convinced of the propriety of this point of order. He could not comprehend the idea nor use of evidence which was not read. When these papers were authenticated they became evidence; and accordingly ought to be read.

The Speaker again explained this point, and the matter was dropped.

Mr. Fox rose and said, in answer to what had been stated by Sir James Lowther, that he meant to put himself upon his *Defence*, he always hoped to see a Minister of this country, when conducting great affairs, in that situation. He felt himself highly responsible for the measure that he had brought forward regarding India, &c. Begged to be considered as not rejoicing in the situation of the Company, but most sincerely lamenting their misfortunes, and called upon by the duties of his station, and the necessity of taking measures to relieve them, to bring forward their real situation to the Public.

His present business was to perform his promise to the House, and to shew them what were in the account laid before them, twelve millions sterling stated as funds due to the Company, that they might calculate upon as a resource to relieve their affairs; but which, from the nature of the sums, he pledged himself to prove, upon the principle on which this was made up, should be disallowed.

The account he stated to be made up with this view, that the affairs of the Company were in such a situation, as to make it improper to pass the Bill under consideration, or to take any step that should deprive the Company of the management of their affairs. And he begged that all he said might be considered in that point of view.

He then took up that side of the account which is entitled, "Property of the Company." He said, he did not mean to disallow the first item, or any part of it, viz. The debt due from Government to the Company, lent at three per cent. per annum, amounting to £200,000. At the same time he must mention a circumstance regarding the statement of that sum, because it gave a complexion to the system of fallacy that marked and pervaded every part of the account.

That

That sum of four millions was reckoned at the nominal amount; whereas the real value of that sum should be taken at the rate of 3 per cent. stock. And the account on the other side, when it states the debt due by the Company; observe that the sum borrowed, to make that advance, should be stated at the rate of 55 per cent. being the rate at which those annuities were selling.

The next item, he said, he must totally disallow; as being a sum to be in any respect depended upon for any relief to the Company at any time; but surely not capable of being brought to their relief now. That sum consisted of 422,011 L. The first item of this sum was 260,587 L. for subsistence of prisoners in the former war; by which, he observed, was not to be understood the last war; but the war ended in 1763. So that the fifteen years of peace had elapsed before the commencement of the late war, without any success having attended the negotiation to obtain it. The House, therefore, would judge what reliance was to be placed on it. Not that it ought to be entirely given up; a negotiation was going on to procure it; and the Company might be assured, in his department he had taken, and would take, every step to get the money; but he could by no means set it down as certain at all; and clearly as not allowable for the purpose for which this account was given in.

The next item, "139,877 L. Manilla Ransom," which every Treasury, since the peace of 1763, had equally joined in disallowing; including even the Treasury of Lord Shelburne.

"The Hospital, Expenses of 21,447 L." occurred at the peace of 1763; and was equally to be disallowed as a sum always disputed. This then forming the sum of 422,011 L. was all improperly inserted, and calculated to mislead and deceive.

The next sum, 609,934 L. he did not mean to dispute; but observed, that the bonds, amounting to 280,575 L. ought rather to have been stated on the other side; because they must be issued again; in order to keep up the Company's credit. However, he allowed the whole sum of 609,934 L. to stand.

The sum of 553,258 L. due for goods sold, but not delivered or paid for; he allowed to stand.

Next, the value of goods in ware-house, unsold, of which all the freights and duties are charged or paid on the other side; estimated to produce, clear of discount, 2,500,000 L.

Upon this he only made an observation, that he stated that sum at two millions; without the Customs; whereas they stated it at the full amount; and state the Customs as a debt due by the Company, placing it on the other side.

The next article, "1,219,091 L. merchandize exported to India, but not included on account of property not being arrived when they were made up," he said was just with this exception, that there were 600,000 L. contained in it of naval and military stores, which he could not allow, because they could not be converted to any purpose of relief to the Company. He therefore, upon this article, disallowed 600,000 L.

The next item; he said, was a very small one indeed; but so material in its nature, that it had excited his particular attention; and when he read it, he had recalled to his mind an account stated by Shakespeare in one of his best performances: "So much for sack, so much for sugar; so much for one thing, and so much for another; and for the most necessary article of all, for bread, *one halfpenny*!" So here there were great sums for ransom! Great sums for stores expended, and to be expended! Great sums for ditto due, that never could be got! All these unproductive articles were great and magnificent; but for bullion, only 100 L.!!

To the next article of 172,334 L. advanced "on account of freights to the owners; to be deducted from freight, payable when they arrive;" he begged to call the attention of the House in a most particular manner. He then stated, that while upon the one side of the account they had taken credit for the advance of freight; and made that sum of 172,334 L. due to the Company, and forming part of the Company's property; they had kept back and concealed the whole of the freight and demurrage due by them, and to be paid on the return of those ships. He then stated the number of the ships abroad, deducted those that were paid for, and deducted the Bengal ships lost; by which deductions the freight and demurrage of 37 ships; the number remaining, on which freight and demurrage was due, amounting to a million and a half, was in the most scandalous manner totally omitted.

mitted on the other side; as a part of the debt due by the Company. Such a conflict as that of those who made up and attested this account, called for their severe reprobation. And he added, that should such a gross breach of trust be committed by those whom he wished to be appointed in the management of the Company's affairs, he should call them severely to account before Parliament for that part of their conduct. The next item, "the value of ships and vessels in England, 12,300 L." he disallowed; because, he said, if they were to continue their trade, and to enjoy their exclusive privilege, which it was the principle and foundation of the Bill to preserve to them, without those ships they could not carry on their trade. The same observation applied to the next article, "255,616 L. value of houses and buildings in London." These they must have upon the idea of continuing their trade: They could not convert them into cash for their relief, without giving up their business and trade; therefore, upon the principle of this Bill, which was to preserve their trade, and to enable them to carry it on with advantage, he could not allow this sum.

The next sum, "703,824 L. prime cost of the cargoes on their passage from Bengal," has, in the multiplicity, variety, and intricacy of the articles of this account, escaped the Reporter. He can only recollect in general, that the observation was of this nature: That this sum of 703,824 L. was upon a supposition that the profit would pay the freight and demurrage; whereas the Bengal trade is attended with a loss of 18 l. per cent.

The next article of "364,515 L. for cargoes dispatched from Bengal to the other Presidencies," are stores, and not investments in the way of trade, and therefore not to be reckoned as a fund by which the necessities of the Company are to be reduced.

On the next article, "Quick Stock at Bengal, taking the Rupee at 25. 3d," he observed that, from an essay made at the Tower, the value of the Rupee had been ascertained at 2s. and that it ought actually to be taken, as worth no more.

Next, "Treasure and Bills receivable 777,361 L." he allowed, but said the receipt would be tedious.

The sums of 73,194 L. goods imported remaining unsold, 419,891 L. salt unsold. Goods for Europe, after the dispatch of the four cargoes before mentioned, 422,805 L.

He made no objection to, but observed, as already stated, that the trade was at a loss.

The next article of "680,509 L. stores, civil, marine, and military, unexpended," he objected to, upon the very same grounds that have been already stated, because these stores never could have been brought to the relief of the Company, and that in the present moment there was much reason to doubt whether any part of them existed; but they certainly were not likely to remain long unexpended.

The next article was "money advanced to the Board of Trade, and others for future provision of goods for Europe, and debts due in the ordinary course of business, 837,465 L." As far as it is possible for us to recollect, Mr. Fox said 835,000 L. was for three ships from Bengal, and therefore liable to the objection stated above to the Bengal Trade. The loss about 160,000 L.

He then stated the next article, viz. "The debt due by Asoph ul Dowlah, 789,823 L." He said, he never could allow the debts due by Country Powers to be reckoned as part of the Quick Stock of the Company; that it was unproductive, and if attempted to be made otherwise, it would be ruinous to India, and expensive to the Company. Upon this, he took the opportunity of observing, that the idea of stating the debts due by the Country Powers in India, as a mean whereby the Company might be enabled to retrieve their affairs, was the most fallacious that could be imagined. There was not an instance of a debt due from those Powers, that it was not only the cause of deluging countries with blood, destroying the helpless, the innocent, and the virtuous; but was actually, and in fact, the cause of expending sums of money in military expeditions to procure payment of those debts: That the debt due by Asoph ul Dowlah, was in a situation to make it impossible to receive a single rupee of it by any other means than the sanguinary means already described. That Prince, he said, was at present in such a situation, that he was borrowing money to supply his necessities, at the rate of 2 L. per month, which with compound interest, amounted to little less than 30 l. per annum.

ment of the Company, in order to procure this sum for the relief of their affairs, would be to impose an ill-advised as to attempt to force a payment of it, the result would be, "I have no money, my country is in a state of desolation; I have no manufacturers—But if you must have the money, it must be procured by proceeding against those powers who resist paying to me what is my due." Proceed me with an army, assist me in my expeditions, and I will procure for you the money necessary to pay the debt I owe." In this manner the Rohillas, one year, the Morawar country, then the Polygars were laid waste and desolated, and those innocent and unprotected natives destroyed; the men were murdered, the women imprisoned and disgraced, their children left a prey to want, and every religious and civil right violated. As a proof of this, he read as a part of his speech, the letter of Colonel Bussy, a Swiss Officer, who had been dispatched to carry similar orders to those purposes, into execution. The letter at once proved both the humanity of the writer, who remonstrated against the orders of his employers, and the cruelty and rapacity of the Governors of India, in the strongest terms. Upon this ground, to the universal conviction of all who heard him, he shewed, that the idea of stating those debts as a fund from whence the Company could be relieved, was absurd, the attempt cruel and uncertain; and that instead of relieving the sum owing, it would be throwing good money after bad.

The next article was, "debts by the Company in Bengal, on bond and otherwise, 1,230,116*l*." Upon this he only observed, that from the word otherwise, it might be imagined that there were considerable debts not on bond—whereas the whole amount was on bond, except 100,000*l*. With this observation to mark the stile of the Account, he allowed the same.

He then remarked on "the balance in favour of the Company, 1,838,937*l*." which is the balance of Quick Stock, as stated in the account to be in favour of the Company at Bengal. Whereas the Quick Stock at Bengal, upon the principle he went upon, viz. The relief it would afford to the Company, now is, if we recollect right, 100,000*l*. against the Company.

He then came to the N. B.—"The arrears due to the army in Bengal at this period, do not appear; but by a subsequent minute it appears, that the whole of their arrears, of every kind, to the month of March 1783, would amount to 502,174*l*."

Here he remarked on the words *appearing* and *not appearing*, and added, that knowing the sum and stating it here, they had not done what they ought to have done, stated it on the other side of the account as a debt due by the Company.

He next came to the Quick Stock at Madras, as it stood August 31, 1782, valuing the pagoda at 8*s*. cash and bills 280,400*l*. Goods for Europe 63,694*l*. Goods imported unsold 89,140*l*. he allowed; but observed that it might be eat up by the establishment.

"Stores, civil, marine, and military 264,110*l*." he disallowed on the principle already stated.

"Debts due to the Company from the Nabob of Arcot, 968,012*l*; Rajah of Tanjore, 158,250*l*; the Renters, 993,804*l*." the Right Honourable Secretary disallowed, without exception, upon the principles already stated. With regard to the debt of Asoph ul Dowlah, he said, the Nabob could not attempt to pay his debt, without attempting to take it from the Rajah, nor the Rajah, without taking it from some neighbouring Power, and all this with the assistance of the Company's troops, and at the expense of the Company's treasure. 76,832*l*. advanced for investment, and sundry small debts, he allowed.

He then came to a second N. B. and after having read—"the war in the Carnatic will delay payment of these debts, and must have rendered others of them precarious, so that their exact value cannot be ascertained," he stopped, and asked the House, if they could, without seeing the paper, have guessed what was to follow? Having paused for a moment, as if for an answer, and proceeding, he said, these words follow: *But the above sums are undoubtedly due to the Company.*

The ridicule, the absurdity, and the determination to impose, contained in this annotation, drew from him a vein of irony and attack, that we scarcely remember to have heard equalled even by Mr. Fox. He once more dwelt upon the scandalous conduct of those who had dared to produce to Parliament an account so full of imposition and absurdity; particularly with regard to the stating their desperate and

ruinous debts, more ruinous in recovering, than abandoning, as a fund; and the unparalleled impudence of this conclusion of the N. B. *that the above sums were not doubtedly due to the Company.* No doubt they were due; and if the Company were to go on for five years more, five times the sum might, and probably would, from the experience of past times, be five times as great; and from thence it would be in the power of those who had the hardihood to impose upon the Public by such an account, to shew the Company in a better situation every year, as their debts increased. That they would soon have it in their power to prove the flourishing state of the Company, by stating the debts of the Nabob at twice 900,000*l.* and those of Asoph ul Dowlah at double the sum he owes. But he desired the House to recollect, that it was their business to interfere, to prevent that species of prosperity from gaining farther than it had hitherto gone, and to stem those currents of blood which must flow, if the attempt was made to procure them; an attempt which must end in wasting more money (setting considerations of humanity aside) than the amount of them would repay.

Debts due by the Company at Madras, 31 August, 1782, including arrears in the military, 821,164*l.* he stated to have increased. Right Honorable Gentleman wrote (Mr. Pitt) knew it; it was a secret disclosed to the Treasury, of which he was Chancellor of the Exchequer, and he doubted not, he would not mention it.

By these disallowances, he reduced the balance of Quick Stock at Madras, from 2,078,778*l.* to little more than 500,000*l.*

"Of the Quick Stock at Bencoolen, consisting of a difference between cash and effects, and the debts owing by the Company, amounting, on the 19th of March, 1783, to balance in favour of the Company of 189,736*l.*"

He allowed only the odd 89,000*l.* the other 100,700*l.* being establishment, and therefore on the footing of ware-houses. Not convertible, unless they give up trade—consequently not applicable to present relief.

The Quick Stock at St. Helena, 27,618*l.* disallowed on the same principle.

The Quick Stock in China, 132,596*l.* he allowed, because consisting of goods.

"Quick Stock at Bombay, 15th September, 1782, valuing the rupee at 2*s.* 6*d.* Cash and bills 24,663*l.* he allowed."

"Goods provided for Europe, 95,145*l.*" Of this he disallowed 32,000*l.* put on board two ships that failed after the date here taken, and which was included in the prior statement of goods in ware-houses; therefore stated twice, 145,145*l.* for military and naval stores, disallowed for reasons formerly given.

The debts due to the Company of 891,769*l.* he doubted of as much as of the unsecured part of Ragobah's debt, for the reasons already stated. By these deductions the debts due by the Company at Bombay amounted to 2,000,000*l.* instead of 1,790,000*l.*

He then stated, that the capital of the Company, advanced by the Proprietors, being to be repaid, or retaken by each Proprietor, it was to be deducted likewise, amounting to 3,200,000*l.*

He next observed, that there were none of those articles that he had deducted, that were not upon the principle on which he had set out. That the Company's Charter was not expired; that they were not to give up trade; but should be allowed to the extent of the sum of 12,000,000*l.* which he had originally mentioned.

He said, he had but one observation to make upon the other side of the Account. Those who made up the Account, had stated as a debt due to Government, 100,000*l.* being the last payment of 400,000*l.* agreed to be paid for the renewal of their Charter. He desired the House to observe, that the sum of four hundred thousand pounds was not given for that purpose; that it was paid the Public for their right in the Territorial Acquisitions; and that those who would examine the Act of Parliament would find it so. But the Court of Proprietors, which disregarded the Resolutions of the House of Commons, had, on this occasion, dared to misrepresent the Act of the whole Legislature. He concluded this able, laborious, and wonderful investigation of the Account, with the severest strictures on those who had made it up, and presented it; and then went on in the highest strain of argument and eloquence, to defend the principle of the Bill.

He observed, that necessity had been deemed the tyrant's plea. He begged it to be remembered, that it was also the freeman's. To what did we owe the Revolution but to necessity? A necessity that superseded all law, and was the glorious means of giving liberty to England. On the present occasion, had it not been agreed on all hands, that some measure of Regulation and Reform was necessary with respect to India. Nay, had not a Right Honourable Gentleman opposite to him, and his friends, been loud in calling out for a system, complete and well digested. Had they not said, *no palm-trees, no half measures!* But it was now complained, that the Bill violated the Company's Charter. What did the Bill in 1773? What did the Bill in 1778? What did the Bill brought in last year? Let the learned Gentleman opposite him [Mr. Dundas] say how any effectual reform in the conduct of the India Company's Affairs could be made, without touching their Charter. Did the present Bill offer more violence to it than the Bill proposed last year? In what lay the difference? That Bill aimed at lodging an absolute and despotic power of governing in India; this provided a controulable Government, but a powerful one, here at home. To give power, was generally considered as a dangerous delegation; but it became more dangerous in proportion as it was lodged at a distance. A virtuous and a wise man might lose his principle and his understanding in India. Disease and luxury might co-operate to enervate; the sight of wealth within reach might win to rapacity; and the once pure mind, weakened by climate and example, might be betrayed to corruption and plunder. The temptation was not so great in England. The Commissioners were to act at hand, and to be under the immediate eye of Parliament. Where then was the danger so loudly trumpeted forth to the world, and so industriously made the subject of popular clamour? The Influence of the Crown will be increased, say the enemies of the Bill. Would it be unnecessarily increased? Would it exceed the degree of responsibility which should accompany it? At present, and for years past, the Crown had the Patronage of India in its hands—but how? In irresponsibility and in secret. Which was most to be dreaded—Influence in the dark; or Influence open, known, and subject to the controul and censure of Parliament?

Some measure was admitted on all hands to be necessary; if the present was disapproved, those who disapproved it were bound to propose a better. Perhaps it would be argued, that the distress of the Company was solely owing to the burthens of a perpetual of an expensive war; and that what had arisen from a specific misfortune ought not to be attributed to general misrule and mismanagement. In proof that this was not true, he would read a letter from a person in a high, responsible situation in India, in 1772. Mr. Fox then read an extract, which, in the language of conviction, attributed all the disasters in India, of that day, to a want of vigour in the principle of the system of its government, adopted and pursued by the Directors at home. The writer of the letter, Mr. Fox said, was not a favourite authority with him in all cases; but his position carried wisdom in it, and his argument was founded on sound policy. The other side of the House at least, he hoped, would agree in this, when he informed them that the writer of the letter he had just read, was no other than Mr. Hastings himself.

That the Bill ought to pass, it it passed at all, with the utmost dispatch, a variety of reasons concurred to testify. The seeds of war were already sown in India, and a note left by Sir Eyre Coote, a man whose memory deserved every possible praise on account of his gallant actions, afforded alarming proofs of it. The detached leader of the troops in India, had written to the Governor of Madras, that the expence and burthens incurred by the Company, in consequence of the late war, could only be recovered in India, by a fresh war with Tippoo Saib. Let the House pause upon this—let them reflect on the last Gazette, the dispatches of which reached the India House, and filled the General Court with disappointment and dismay, in the very moment that an Honourable Gentleman, whose zeal and ardour carried him generally too far, was loud in declaring that all was peace in India, and congratulating the Proprietors on the prosperous situation of their affairs. Let the House also learn from that Gazette the pressing occasion for an immediate reform of the Government of India. Let the see the cause of the disasters recorded in those direful dispatches—A quarrel among the officers, on the common theme of quarrels in India, the division of the spoil, the disposal of the plunder taken from the natives! They would learn from the Gazette, that our army had lost all subordination, as they had learnt from other publications,

that

that our Civil Government in India had not all energy. There were also other causes to expect a war there, and to dread its communicating to the other quarters of the globe, if proper means to prevent it were not instantly resorted to. Let them think on the compact at Poonah, and compare it with the sixth Article of the definitive Treaty of Peace between Great Britain and France, by which both Crowns bound themselves to a certain line of conduct respecting their Allies in India. Mr. Fox dwelt upon this for some time, and showed that we might suddenly find ourselves involved in a war with France, if due care was not taken to avert the mischief. He also painted, in glowing colours, the alarming state of the Civil Government in India, in consequence of the dissensions between the different Presidencies; he declared himself for Lord Macartney, for whom he had ever entertained the sincerest respect.—That noble Lord had proved himself the most obedient to direction from home, the purest in principle, and the most zealous in conduct, for the national honour, of any Governor ever sent to India; but who could say that Lord Macartney had not been suspended—nay, who could say that he was not at this instant a prisoner, or that he had not shared the fate of Lord Pigot? After urging this very pointedly, he added new arguments to prove the necessity for passing the Bill, and said, the assertion that the India Company could go on without relief from Government, was to wit, that they well knew, if the Bill failed, Government could issue an extent, and seize on all their property within a fortnight. He said further, that he considered suffering this Company to borrow more money, was in fact lending them the security of Government for what they borrowed, and that before he proceeded that length, he held himself bound to take every possible means to mark the safety of the Public, and the prosperity of the Company, go hand in hand together. He knew, that to do so, he put his situation, as a Minister, to the hazard; but when upon a great national ground he could establish a measure at once salutary and useful, likely to rescue the natives of India from oppression, and save the honour of the country from disgrace, he little cared how great the personal risks were that he was to encounter.

Mr. Fox, in the course of his speech, took notice of the India Regulating Bill, which, however deficient in point of policy it might be found, would not, he believed, be thought to be wanting in regard to numerous clauses, or flew that Ministers had not fully applied themselves to the present situation of India. That Bill, he said, in almost every one of its clauses, restrained and lessened the exercise of the power of those who were to act under the authority of the Bill then before the House. The two Bills therefore ought to be considered as it were together, the regulations of the one tending to correct and temperate the other. Mr. Fox concluded with moving, that the Bill be committed.

Mr. W. PITT desired the House to take notice, that the ground of Necessity, upon which the Bill had been originally declared to have been introduced, was now changed; that Necessity no longer rested on the simple, clear, and obvious proposition, the Bankruptcy of the East India Company, but was that day placed on a still weaker foundation, but a foundation infinitely more fallacious, upon the temporary distress of the Company. Was that a fit plea to warrant the passing of a Bill, which openly protested a daring violation of the Chartered Rights of the Company, and proceeded to an immediate confiscation of all their property? Ought the House to be satisfied with it, even if proved beyond the possibility of question? He trusted they would not—he trusted the House had too much regard for their own honour and dignity, too scrupulous an attention to justice, and too conscientious an adherence to their duty to their constituents, to support the Minister in one of the boldest, most unprecedented, most desperate and alarming attempts at the exercise of tyranny, that ever disgraced the annals of this or any other country. The Right Honourable Gentleman, whose eloquence and whose abilities would lend a grace to deformity, had appealed to their passions, and pressed home to their hearts, the distressed situation of the unhappy natives of India—a situation which every man must deeply deplore, and anxiously wish to relieve; but ought the Right Honourable Gentleman to proceed to the protection of the distressed abroad, by enforcing the most unparalleled oppression at home? Was the relief to be administered in Asia, to be grounded on violence and injustice in Europe? Let the House turn their eyes to the very extraordinary manner in which the very extraordinary Bill, then under consideration, had been introduced. When the Right Honourable Gentleman had opened it to the House on Tuesday last evening, he had urged the indispensable necessity of the measure, as its only justification, and in

After to carry that necessity to the conviction of the House, he had given such a force to the Company's affairs, as to convey to the ideas of almost every Gentleman present, that the Company were bankrupts to the amount of eight millions [*Mr. Fox is a fair friend*]. Mr. Pitt said, he was ready to admit that the Right Honourable Gentleman had not exactly said so, but he should still contend, that the manner in which the Right Honourable Gentleman had stated their affairs, had conveyed that idea. It had been entertained by most of those who had heard the Right Honourable Gentleman, it had been entertained by the Public, and it had been entertained by the Company. The Right Honourable Gentleman had himself confessed, he had read two Comptrolers in our former state of the Company's affairs: Omissions he confessed, had made; omissions, gross, palpable, and prodigious. What was the consequence? The Company daily deny the Right Honourable Gentleman's statements: they prepare an account of the true state of their affairs; they produce it at the bar of the House, they establish its authenticity by the concurrent testimony of the Accountant and Auditor. What happens then? The Right Honourable Gentleman takes it is incumbent on him to clear his own character, and that can only be done by refusing and falsifying the Company's statement of their affairs, to the enormous amount of twelve millions. Arduous and difficult as this was, the Right Honourable Gentleman entered upon it with a degree of spirit, credit to the boldness of his character. He acknowledges that the Company's business had been deprived of its credit some how or other, and he proceeds in a most convincing manner to effect a purpose, he had just told you was so necessary to him. The Right Honourable Gentleman had run through the account with a boldness that is almost uncomprehended, and detection almost impossible. Mr. Pitt then said, he had attempted to follow Mr. Fox through his commentary, and though it was impossible, upon first hearing such a variety of assertions, to investigate each and every one of them, and completely refute their fallacy, he would undertake to say, that the Right Honourable Gentleman had unfairly reasoned upon some of the numbers, grossly misapplied others, and wholly passed by considerations material to be adverted to, in order to ascertain what was the true state of the Company's affairs. He then entered into a revision of the credit side of the Company's statement, and endeavoured to overturn Mr. Fox's objections to some of the entries, and to defeat the force of his observations upon others. He stated the Company's gross themselves credit for 4,200,000*l.* as the debt from Government, on the ground, that as they had advanced the full principal of that sum to Government, they had a right to give themselves credit for the whole or it; and the more especially, as on the other side they made themselves debtors for 2,992,441*l.* borrowed, to enable them to make the loan to Government of 4,200,000*l.* The money due for subsistence of professors in a former war, for the expenses of the expedition against Manila, and for hospital expenses, he also reasoned upon, to show that the Company were not to blame for inserting them on the credit side of their account. The Right Honourable Gentleman, he said, with such a happy talent of rendering even the driest subject lively, that his pleasant allusion to the charge of *one halfpenny* for bread in Fildat's tavern bill, when he came to take notice of the 10*l.* amount of silver remaining in the Treasury of the India Company, had so far evenged his fancy, that it was not till a minute or two afterwards, that he glanced his eye a little higher in the same page of the Company's Account, and saw an entry of money to the amount of 142,794*l.* Mr. Pitt dwelt upon this for some time, and went into a discussion of the observations of Mr. Fox upon the entry of 235,575*l.* for Bonds, which he strenuously maintained the Company had a right to give themselves credit for. He also entered into a long argument respecting the sum credited for freights paid, defending them from Mr. Fox's objections. He likewise defended the entry of 253,616*l.* as the value of the Company's houses and buildings in London, declaring, that as the Company understood themselves to stand charged with bankruptcy, they felt it necessary to state the value of the whole of their Assets in the schedule of the particulars of their estate. He reasoned for some time on the assertions of Mr. Fox upon the prime cost of four cargoes on their passage from Bengal, and said, notwithstanding the arguments of the Honourable Gentleman, that when the freight and duties were paid, there would be a loss rather than a profit on the investment; he believed the reverse would be the fact, for he generally understood, that when an investment

was made in India, the prime cost was at least doubled in the price the cargo fetched in England. He opposed Mr. Fox's observations on the different entries under the head of Quick Stock at the various Presidencies of Bengal, Madras, and Bombay, and at Bencoolen and China; contradicting many of them, and upholding the Company in their statement. He declared, he did not know what the Right Honourable Gentleman alluded to; relative to the private debt incurred by the Madras Presidency. With regard to the debts due from Asaph ul Dowlah and the Nabob of Arcot, he said, the Honourable Gentleman had taken advantage of those facts to display his oratory, that the House was lost in a blaze of eloquence; and so dazzled with the lustre and brilliancy of the Right Honourable Gentleman's talents; that they were deprived of the exercise of their sober reason, and rendered incompetent to weigh the propriety of the Company's making any mention of debts; some of which they expressly declared would be lingering in their payment, and others they acknowledged to be precarious. After going through the whole of the observations and objections of Mr. Fox, and contending that the Right Honourable Gentleman had uniformly declared any sort of discrimination as to the different periods of time that the Company's debts would come upon them, but had argued, as if the whole were due at the present moment; Mr. Pitt said, the last matter urged against the Company, viz. their Capital, was, to his mind, the most extraordinary of any thing he had ever met with. He had often heard, when traders were bankrupt, of when it became necessary that their affairs should be valued in the hands of trustees, that it was incumbent on them to discover the whole amount of their debts to others, but he never before knew, that it was either incumbent on them to state, or necessary for the creditors to know, how much they owed to themselves. Having put this very strongly, Mr. Pitt denied that there was any deficiency whatever in their Capital, contending on the other hand, that the Company, though distressed, were by no means insolvent, and that they ought to be allowed an opportunity of proving the whole of their statement of their affairs, at the Bar of the House. This position he argued very elaborately, and said, as it was perfectly reasonable to allow the House time to enquire into and examine the truth of the paper, then on the table, the fallhood of which ought not to be taken for granted, upon the bare assertions of the Secretary of State, so introduced and made as they had been, he should hope there could be no objection to adjourning the debate for a single day, and should therefore reserve his sentiments upon the principle of the Bill for the present; and move "that the debate be adjourned till to-morrow [Friday] morning."

Mr. Fox replied to Mr. Pitt, and stated, that he had not objected to the Company's claim of cash, including their bonds, but had only objected upon it. With regard to the secret debt of the Madras Government, he said, he had alluded to a large debt incurred, which that Government had been allowed to draw Bills for by the last Board of Treasury. In reply to what Mr. Pitt had said on the subject of the Company's not being accountable for their Capital, he observed, that their Capital belonged to the Proprietors, and Government was as much bound to look to their security, as to that of the Public at large, in regard to revenue, duties, &c.

Lord North directed his speech to two points, the retutation of Mr. Pitt's argument against the Bill, and against Mr. Fox's observations and objections; as urged with respect to the East India Company's state of their affairs; and to the rescuing the Bill itself from the obliquy with which it had been loaded. The Right Honourable Gentleman who spoke last, his Lordship observed, had called the Bill an unprecedented attempt to establish a violation of the Chartered Rights of the Company; and an immediate confiscation of their Property; this charge was a weighty one, but it was not true. That the Bill infringed upon the Charter of the East-India Company, was undoubtedly the case; but was the Bill, as far as it was considered in that view, unprecedented? No such thing. The Bill in 1773, brought in by himself, which restrained the exercise of election, and deprived the 5000 stockholders of their votes, was an infringement of the Company's Charter. The Bill giving Government the power of appointment to offices in India, in some instances, and the Parliament a power of nomination in others, was equally an infringement of the Charter. The Bill brought in last session by a learned Gentleman, who had been Chairman of the Secret Committee, proposed a regulation, clearly founded on a violation of the Company's Charter; in saying this, he meant not to insinuate that there was any blame due to that learned Gentleman. The necessity of the case rendered

were it impossible to attempt any regulation, at all likely to prove ~~beneficial~~, without violating of the Company's Charter. He therefore, for one, made no scruple to admit, that the Bill he had proposed, trenching upon the Company's Chartered Rights; they certainly did so; and if there was any guilt in having been the Minister who proposed such a measure, he desired to be ranked with the other Criminals. But while Gentlemen were prone to accuse upon this ground, let them examine the nature of the case a little, and see how a violation of the Charter could be avoided. The Constitution of the Company, as it stood at present, was admitted to be absurd, and most inadequate. The Court of Directors were the nominal Ministers of the Company; they gave orders to the Company's servants in India; the Company's servants in India disobeyed those orders, and having an influence upon the Court of Proprietors at home, the Court of Proprietors over-ruled the Court of Directors. This was, his Lordship observed, a perfect mathematical figure, but it was very far from a perfect political one. The House had heard that the Directors wrote fine letters; this certainly did them great credit; but, from the circumstances above-mentioned, nothing was ever done in consequence, and all the important business of the Company ended where it began—in a fine letter. It was admitted, on all hands, that something was necessary to be done; but the Honourable Gentleman had said the necessity was not made out, and the Company had not been proved to be bankrupts: His Honourable Colleague had not charged the Company with being bankrupt; but he would venture to say, that had private and individual traders done as much as the Company had done, in various instances, they would have committed acts of bankruptcy. The Company owed money which they could not pay. The Company were liable to many demands, which they were unable to answer; and they avowed their distress to be such, that without relief from Government, they could not go on. The Right Honourable Gentleman said, the Bill confiscated the property of the Company. If he knew the meaning of words, and he owned he was not so conversant in them as the Right Honourable Gentleman, or as he had been in the earlier periods of his life, Confiscation meant the seizing upon property, with a design to appropriate it to the use of other than the right owners. Was this the case? Did the Bill say a syllable about lowering the dividend, breaking in upon the exclusive trade of the Company, or taking away any one of their commercial advantages? Where was the confiscation then? That a regulation was necessary, every body allowed; and would it be contended, that the powers exercised under a constitution, proved by experience to be inadequate to the government of our territorial acquisitions, and the management of our territorial revenues in India, ought to be entrusted under a new constitution, in the same hands which had proved incapable of directing them with effect for so many years together. A new system was absolutely necessary, and necessary immediately; either that proposed in the Bill ought to be adopted, or those who objected against it, propose a wiser. Having thus generally spoken to the general subject of the Bill, his Lordship entered upon an examination of Mr. Pitt's remarks on Mr. Fox's observations and objections, controverting and refuting several, and clearly shewing from the nature of each, that another day would throw no new light upon the question upon which the Bill ought to rest. His Lordship explained such of the entries in the Company's state of their affairs as had come under his cognizance while at the Head of the Treasury, particularly mentioning their claim on account of the expences of the expedition to Manila, which, he said, had been fully considered by the Board of Treasury, who had long since declared they had paid as much as they thought the public ought to pay on that score. The Hospital Expences he stated also to stand exactly on a similar footing. He then went through the other articles, and spoke of the debts due from the Nabob Asaph ul Dowlah, and the Nabob of Arcot, pretty much at large. He shewed, that the poverty of the latter was not to be ascribed to the distress occasioned by an expensive, and calamitous war, Hyder Adly having never invaded that part of the Carnatic, and the country having been solely in the possession of the British, though the face of it had, he believed, all the appearance of having been ravaged and destroyed by an enemy. His Lordship also said something about the Northern Circars, which we did not rightly understand. After being very copious in reply to Mr. Pitt; after urging the necessity that some measure with regard to India should be adopted immediately, reminding the House that his Majesty's speech from the throne, at the commencement of the last session, called upon them to turn their attention to the affairs of India

as soon as they possibly could; repeating his argument, that the present Bill was not oppressive, denying that it gave more influence than responsibility to the Crown or the Ministers, and shewing clearly, that the other stages of parliamentary progression through which the Bill must pass, would afford so much time for investigation and discussion, that there could be no reasonable plea advanced to prove the propriety of the present motion for an adjournment: His Lordship concluded with declaring, that he should vote against the question moved by the Right Honourable Gentleman, and should be for the Bill's going to a Committee.

Commodore JOHNSTON replied to Lord North and Mr. Fox. He observed, that the noble Lord's speech was full of absurdities and contradictions. He pledged himself to prove the account, on which Mr. Fox had so freely remarked; and he particularly noticed, what he termed the Art of the Right Hon. Gentleman, who, by confounding dates and places, had attempted to mislead the House. He averred, that the debt of the Nabob of Oude, would be paid, without the practice of any of those severities which the Right Honourable Gentleman had so pathetically described. He appealed to General Smith to prove the populousness and the content of Oude; the Honourable General, he said, knew Oude and the late Vizier, from whom he had received some civilities, perfectly well. He contended, that it was not from the *ex parte* evidence of the Select Committee, or from an artful misstatement of facts, that the Company should be punished, by the forfeiture of its Charter, but by specific charges, to which specific answers might be given. He denied that the Company were in any thing like a state of bankruptcy. They were under circumstances of temporary distress, he acknowledged, but their affairs were promising, and their credit good. The Right Honourable Gentleman had said, that as they stood indebted to Government for duties, and were in need of assistance, Government was justified in seizing upon the Company's Charter, to secure the public Revenue. This was a most unjust argument. The Company had sufficient credit to raise much more than they now wanted, without the aid of Government, but their hands were tied by an Act of Parliament. Thus Government first created a disability, and now meant to take a most unhandsome advantage of it. In the conclusion of his speech, the Commodore declared, that as a Proprietor, he would resist, to the last moment, the fallacious and unjustifiable proceeding now going forward, and that he would sooner lose every shilling of stock he possessed, than consent to preserve it, by supporting a Bill, which must effectually destroy the British Constitution.

The Marquis of GRAHAM made a determined speech against the Bill. He said, that he had once great personal esteem for Lord North, and a high opinion of him as a Minister, which he had sufficiently evinced, by the support he had given him; but he could place no confidence in men, who, from an inordinate eagerness to grasp at power, had broken through every pretension to political character. He praised Mr. Fox's abilities, but dreaded his ambition. The Bill is, he said, fraught with the most awful circumstances against the freedom of the House. We have long complained of the weight and oppression of prerogative; but the proposal under present agitation certainly tends to add to the load of that tyranny which we already feel too much. It opens a scheme of ambition and influence to Ministers, unprecedented in the annals of Parliament, and has a tendency to subject us to their government and controul. It has been introduced by an Honourable Secretary, whose private virtues I respect, whom I esteem as a friend, but who possesses a delusion of argument which sometimes intoxicates myself, and which, under the circumstance of his great ability, must be extremely dangerous to the House. How different are the proposals and suggestions on the present occasion, of the Honourable Secretary, from those of his in a former situation at another period. I observe him smile; but I know that the measures which on that side of the House he smiles on and supports, on the other he would frown on and reprobate. I own myself, therefore, averse to placing any confidence in a man so incoherent in his sentiments, and so versatile in his principles. When I enter into this House, I am amused, pleased, and almost satisfied and persuaded by his sophistry; but when I recall my reason, and recover from this delusion of argument, I find it most prudent to revert to those cool and temperate ideas which I had originally formed on the subject, from its more deliberate aspects. For this reason, I have no confidence in the man who has proposed the Bill, nor in those who have supported it. I con-

dema

denm it in its principle, and view it as inimical to the interests of Parliament, as the safety of the East India Company, and the welfare of the Public. Its baneful influence has already been seen within these walls. It is an open attack on the liberty of all British Subjects. It is an infringement of our rights, as natives of a free country. It is shaking our Constitution, that beautiful fabric, which was the envy and admiration of the world, and sapping its very foundation. Because the destructive measures of a noble Lord (Lord North) had brought this once flourishing country to the very brink of ruin, we were now to apply remedies; but the remedies were of a detestable nature, and deserved the reprehension of every Member in that House, who had any regard for his country. He vehemently declared, that if such hostile measures were to be carried on by people in power, he, for one, would freely say, that he would never chuse to enter again into that House. He still hoped, that no Minister would dare, although they smiled approbation at one another, to commit such an infraction of every thing that was dear to the name of British Subjects.

General SMITH replied to Commodore Johnstone as soon as the Marquis of Graham sat down; and having satisfactorily explained the insinuation of the Commodore, relative to his having received civilities from the Vizier of Oude, he went into a description of the finances of the Nabob Asoph ul Dowlah. He also stated some accounts of the situation of our affairs at Bombay and Madras, according to the last letters he had received from India; which tended to prove the necessity of an immediate regulation and reform.

Sir RICHARD HILL began with declaring, that it was a fixt principle in optics, that all objects struck the eye of the beholder differently, according to the medium or light through which they were viewed. This maxim was fully verified by an experiment made in April last, by only moving the Right Honourable Secretary from the side of the House on which Sir Richard stood, to the other. Placed where he now was, he viewed the Bill in his hand as calculated to "remedy all those alarming disorders; which have long prevailed, and still continue, in the management of the Territorial Possessions, Revenues, and Commerce of these kingdoms, in the East Indies," &c.

But had such a Bill been brought in by Administration, when the Right Honourable Gentleman sat on the other side of the House, it would have appeared to him in very different colours indeed. He doubted not but the Right Honourable Gentleman would have viewed it again and again, through two glasses which he always carried about with him. He meant his MAGNIFYING glass, and his MULTIPLYING glass.

In the former, his magnifying glass, it would have appeared big with the most alarming danger of encreasing Crown Influence, and of extending Ministerial Power, which things were always the *Bugbys* and *Raw-head and Bloody-bones*, with which the Right Honourable Secretary used to terrify his present *cara sposa*, before those two persons were joined together in holy matrimony.

But he meant not here to speak against the *Coalition*, or to say any thing personal, as he hoped his Majesty's present Ministers would propose such measures as he should be able to *coalesce* with. In the latter, his multiplying glass, all the evils which the Bill now tended to prevent, with 20,000 more of rapine, injustice, cruelty, violation of Rights and Charters, weakening of Parliamentary faith, &c. would all have danced before his eyes at once.

Now, Sir Richard asked, what was the cause of that difference, since the man viewing, and the object viewed, were identically the same? It was plainly owing to some strong rays of a *side light* that darted from the *East*, and perhaps a little horizontally from the *North*, upon the pupil of the Right Honourable Secretary's eye; so that without having recourse to the solutions of a Newton, a Priestley, or a Franklin, they might affirm that it was certainly that same *North-East light* which had such a powerful effect upon the seeing (or to speak more philosophically) on the *visive* faculties of the Right Honourable Secretary. But, he said, that the Right Honourable framer of the Bill was never without either of the glasses he had mentioned, though, as he observed, things appeared very different to him, according to the medium through which he looked, and whether the particles of matter on which he was composed were placed on that side of the House or the other.

Seated on that illustrious Bench, on which the sun always shone, when he viewed the Bill through his *magnifying glass*, in the first place, it much aggrandized himself, and all his influence as a Minister of State, inasmuch, that he looked as if he really could carry the India House on his back, as a print just published humorously represented him to be doing.

Secondly, it aggrandized the seven Commissioners, or *Holy Emperors*, and their eight Assistant Directors.

Thirdly, it aggrandized needy adherents, and raised them from Lilliputians to Brobdingnagians and Patagonians.

As to the Right Honourable Gentleman's *multiplying glass*, as he at present held it up to look at the Bill, in the first place, it greatly multiplied friends and jobbers, who would stick to him at every pinch—*Over stocks, over bats*. Secondly, it multiplied all his various interests, all his connections, and all his powers, not only at home in this country, but by sea and land, and all over the globe. But when he said, that it multiplied all his powers, he must except his intellectual powers and his powers of eloquence, as he really thought these could not be *magnified* or *multiplied*.

Thirdly, which was by far the best of all its multiplying powers, it multiplied the rúpees and the guineas, if not to the nation, yet to the happy favourites who were to taste the sweets of the Bill for *five whole years* to come.

And now leaving optics, Sir Richard Hill said, he would make an easy transition (at least he would make a transition, whether an easy one or not) from all-gory to the Bill itself, the particular parts and clauses of which he should leave to be discussed by those who were much more equal to so great a work than he was.

He should therefore only observe, with regard to the principle and spirit of the Bill in general, that they appeared to him so exceedingly opposite to the whole genius of the Constitution, and to those benign laws by which it was supported, that the Directors were hardly allowed the privileges which in courts of judicature were granted to felons; for in cases of felony, seizure and confiscation never took place till after conviction, whereas, in the present instance, the parties were not even accused of any specific crime.

But should the Bill pass that House, (the House he hoped would pardon the supposition) it must afford much satisfaction indeed to those who were nearly interested in it, especially to the body of petitioning Directors; that they had a powerful friend in the other House to plead their cause, and to support their rights; he meant the noble Protecting Duke at the Head of the Treasury Board, who, when the East India Regulating Bill was brought in, just ten years ago, (which Bill did not go near so far as the present) testified his hearty dissent from it in the following strong terms:

1. "Because it was not only an high and dangerous violation of the yet unquestioned Charter of the Company, but a total subversion of all the principles of the law and constitution of this country.

2. "Because the election of executive officers in Parliament, is plainly unconstitutional, productive of intrigue and faction, and calculated for extending a corrupt influence in the Crown. It frees Ministers from responsibility, whilst it leaves them all the effect of patronage."

Thus protested the noble Duke, and Sir Richard doubted not but he would be as steady in his principles till death, as the much-lamented Marquis who joined with him in the Protest.

He remembered that the Right Honourable Secretary asserted, when this Bill was read the first time, that charges of peculation were withheld, because money was sent over to the Directors, which stopped their mouths, and prevented their complaints. He doubted not but the Right Honourable Gentleman himself felt what he said, when he asserted this; and that the same Right Honourable Gentleman knew full well, that money had, indeed, a wonderful power of stopping mouths, and of changing mens language, (and even their connections); yes, that it could do what the poet said of music; that it had

— charms to soothe the savage breast,
To soften rock'd, or bend the knotted oak;

but how far it had been done in the case before, thereby remained yet to be proved.

Before

Before he sat down, he must observe, that it ought to have much ~~weight, that the~~ first Commercial City in the world had expressed a disapprobation of this Bill, by determining in Common Council to petition the House against it. And he must add, that he was happy to see to tull an attendance upon a matter of such vast consequence; and that notwithstanding the Right Honourable Secretary most unhand-
somely, in his opinion, refused to put off the second reading of the Bill till the day of the Call; though by way of apology for that refusal, an Honourable Friend of his, and a great ornament to his profession, asked, in his maiden speech, how it was possible for the Gentlemen who were to be summoned to attend the Call, to make themselves masters of this important business, whilst they were coming up post upon the road? Sir Richard Hill said, he wished always to learn wisdom from the arguments of his Honourable Friend, as every body must who attended to him. He would beg to ask in return, what profound knowledge of this Bill were those Gentlemen likely to enter the House with, who had been roused out of their beds at one, two, or three o'clock in the morning, by the arrival of Ministerial Messengers, with mandates to mount them up to town with the celerity of air-balloons, in order that they might be in time enough for the division that evening. What was to inform and determine the judgment of those Gentlemen, on that arduous occasion? Why, they were to look at the Treasury Bench, to cast their eyes round the House, to see who said *Aye* and who said *No*, who went out and who staid in; and upon those merits were to depend the annihilation of an ancient Charter, the characters of many respectable individuals, and the seizure of goods and property. In short, the fate of Cæsar and of Rome.

Mr. ERSKINE began with observing, that if the House were to adjourn its deliberations till those Gentlemen informed themselves, who seemed to set all information at defiance, there was an end of all prospect of decision. On the day the Bill was first proposed by the Right Honourable Secretary, the Honourable Gentleman who had moved on that day for an adjournment for further consideration, had boldly pronounced it to be infamous in principle, and ruinous in policy, and that it did not deserve one moment's reflection, desiring, however, at the same time, a week to reflect upon it. But even that contradiction, gross as it must appear, was nothing to the proposition of that day; for the Honourable Gentleman, after once more declaiming against the Bill, as radically defective in all its principles, and pronouncing upon the impossibility of its being endured for a moment by the House, yet begged that it might not be trusted to its determination, and asked one day to examine into the comments made by Mr. Fox upon the Company's Accounts, as being absolutely necessary to guide their determination, though he had said not a moment before that, that the Company's solvency, or insolvency, had nothing to do with the question, as no state that could be imagined, would cure the objections he found to the injustice and impolicy of the proceeding.

Would the Honourable Gentleman stand up and declare, that if he [Mr. Erskine] should throw him his pencil across the table, and say, blot out those figures that are to be found in the Account, and insert any others you think fit, that there was any possible state of the Company's Affairs which he could form out of figures, that would bring him round to vote for the Bill? Would he say so as a man of honour? And if not, was it not a most palpable self-evident plan of procrastination, to desire time to know whether those observations on the Accounts were true, which, whether true or false, he could not pretend to say would change any one of his wading sentiments on the subject? That such conduct, however, could not but deprive them of one vote; for that an Honourable Gentleman (Mr. Hussey) had a little before declared, he should approve of the adjournment, unless he could be convinced that it was a mere scheme of delay; and that as he knew that Gentleman's mind too well, not to be certain that such absurdity and contradiction would shock and disgust him, he would venture to count upon him as staying in the House on the decision, upon his promise, that his vote was to depend upon his belief of what no man of his sense could disbelieve. Mr. Erskine said, that the whole plan of moving the adjournment, was first to declaim themselves against the Bill, and then to move a new question, to prevent the supporters of the Bill from defending its principle, and vindicating its necessity; that it might go forth into the world, that those who supported Ministers, had no reason but corruption to give for their conduct: Thus the Bill was to be cried down within the House, by unmeaning

unmeaning and intemperate declamation; and without it, by prints and hand-bills: But he thought it a duty he owed to himself and to the Public, whose voice he respected, not to be so held back from giving his reasons for thinking the Bill just in its principle, and wise in all its objects; that whatever Gentlemen might think fit to admit that day, he might appeal to all who heard him, that both sides of the House had over and over again agreed, that the affairs of the East Indies had been for a long time conducted in a manner ruinous to the interests, and disgraceful to the character of the nation; and that all our calamities there had arisen from the defect of a due controul over the governments of India; from the want of a government here sufficiently stable and important; the East India Company being originally erected into a Corporation for the purposes of commerce, and not for political sovereignty: That this accounted for those relaxations in their orders, which had produced oppression, plunder, depopulation, and famine. That when such ruinous defects were universally felt in the system that existed at present, the House ought to listen with the greatest temper to the proposition of another; if it was defective, it might be corrected: But that in discussing the principle, it was not enough to find fault with it, without being able to substitute a better, since both sides agreed, that some new system was absolutely necessary. As to the right of adopting the new system, when the necessity of abolishing the old was admitted, he went much farther than was necessary for the support of the Bill, which proceeded principally upon the abuse of authority by the Court of Proprietors; whereas he always thought the very existence of such a body, for the purpose of governing so immensely important an Empire, by a ballot of men and women, and foreigners, enemies to our prosperity, was impolitic and absurd.

That while the East India Company continued a body merely Commercial, it was very fit that they should appoint their own factors to regulate their trade—and their military officers, who protected it; but that no analogy to that state remained now, since, by the advancement of commerce, and the accession of territories vesting in the state, private trade had become inseparably connected with public credit and public government. In such a condition of things, was it fit that private subjects should rule over the territories of the state, without being under its controuling powers, and by mismanagement, not only to risque the loss of them, but to throw the whole Empire into war? If the sovereignty over the East Indies belonged to the Crown and the nation, which no man could deny, since it was expressly excepted out of every Charter and Act of Parliament given to the Company, it was impossible to say that it was tyranny, or injustice in Parliament, to exercise that sovereignty at the call of a strong necessity. That a Charter being a grant of powers and privileges to individuals, for the benefit of the Public, it was liable in its very nature to revocation, when its continuation became detrimental either from misuses, or a change in circumstances not foreseen at the time of its institution; and that those who, admitting the necessity, opposed the Bill on the foundation of the Company's Charter being inviolable, fell into the same absurdities and contradictions that marked and distinguished their whole conduct.

The Honourable Gentleman had called for a new system—no palliatives or emollients; yet, when the new system came forth, he condemned it, because the Company's Chartered Rights were to be touched: He would be glad to know how it was possible to adopt a new system by Parliamentary Authority, without striking at those Charters which entitled the Company to continue the old one. Gentlemen were fond of mixing the private injustice with public impolicy, to prevent that contradiction from being felt: But he would first force them to admit the right of altering the Charter, if necessity and policy justified it, and then proceed to shew, that there was in the instance this justification: They had, indeed, already admitted the right, by calling for a new system, which could not be adopted without that violation of the Company's Charter which they complained of. If on the one hand, their argument, that they were inviolable, was just, there could be no sort of alteration at all, and the new system which they called for was gone, right being equally sacred in all its degrees: If on the other, they could be justly altered in one degree upon one necessity, they might in another upon another necessity; which brought the whole to a question of Policy, and put an end to the declamation concerning the infringement of the Right.

The Honourable Gentleman who spoke of the novelty of this daring proceeding, had certainly never read the other Acts, by which the Company's Charters had been altered.

tered to a great extent : He had protested, in the name of the Company, against several of them, as Counsel at the Bar, without any effect. The Regulating Act, in 1773, gave to Parliamentary Commissioners the whole Military and Civil Government of India, unfortunately giving it to persons abroad, without a due controul at home, which inverted the order of government and subordination. He did not, however, blame the noble Lord who was then Minister, for that arrangement, since the affairs of the East might not then have justified what they did now, and the minds of men might not have been prepared to support the change.

He then stated the different Acts by which the dividends of the East India Company had been restrained, to shew that Parliament had even gone further than by the present Bill ; as these Acts affected the property of individuals, by restraining the dividends, whereas the present only put them under a public trust. This was not a Bill of Penalties or Confiscation, but calculated to improve and secure the territorial revenues and commerce of the East, to those who were entitled to an immediate personal benefit from them, only securing it to them in a manner more consistent with the general interests of the Public.

Great clamours had been raised against the clause which authorised the new Commissioners to seize on the books, money, and boxes of the Company, which had been compared to the impudence of a robber, who should break into a man's house, and call himself his trustee ; but he had not such a despicable opinion of his audience, as to think it necessary to distinguish the authorised act of one individual towards another, for his own private purposes, to the superintending care of Public Councils, in a case where it could not be asserted that one farthing of private property was intended to be divested ; for the dividends were still to be regulated by Parliament, as they had been before, by the Acts he had alluded to. That setting aside all these abstract principles, there was good ground for the Bill on the score of misfe ; for that Mr. Fox had truly said, they had abdicated the Government over the East. To prove this, he stated the proceedings of the Select Committee, which sat for months examining witnesses and records, on whose report the House had resolved to recall Mr. Hastings ; the similar resolutions afterwards by the Directors, on the same evidence, and not on the authority of the resolution ; the vote of the Proprietors defeating the operation of both, in the sudden tumult of a ballot, without looking at a record, or asking a question ; and the thanks voted without evidence, in the same tumultuous manner, to Mr. Hastings, on the arrival of his letter, setting the Directors at defiance. He said, that the Proprietors who voted these thanks under all these circumstances, even if Mr. Hastings had had all the merit they imputed to him, without evidence, abdicated their own Government over the East Indies, and gave up, at the same time, the sovereignty of Parliament over it, which left it no alternative, between the destruction of the Proprietors authority and the surrender of its own.

He then proceeded to consider the policy of the new system. It had been said to be a Bill introduced by Ministers for their own private purposes, rather than for the objects of Government. A bold assertion, when the regulations of the other Bill were attended to, which so far from leaving to Ministers or their substitutes the uncontrouled direction, marked out their duty in the most specific terms.

He said he should not then discuss them, as being proper for the Committee, but that they contained upon the whole a body of reform equally important to the interest and character of the nation : That the powers were given to the Commissioners during good behaviour, subject only to removal on the Address of both Houses, to give stability to Government ; the want of which had been ruinous, and which could not be obtained in any other way while the present state of parties in England continued. As to the Influence of the Crown, he thought it was the duty of every Member of Parliament to attend to its advances ; but that it was too much to say, that the most important trusts of Government were to be left to private men, and to women, and foreigners, for fear the Legislature should pervert the powers that ever follows Government, to the ruin of the Constitution. Was there to be no Government, because it was subject to abuses ? And were we not to choose the least of evils, because we could not attain perfection ? That there was a sufficient strength in the House to punish an abuse of the powers given by the Bill, and that it was dishonourable to the House to support its own honesty, because of the patronage that attended Government : That it was mighty easy to deal in general charges of corruption, but that he trusted that there was as much concern for the Public on the part of Government, as in those that opposed it.

Mr.

Mr. Macdonald rose in answer to Mr. Erskine, and began with observing, that he should not think himself warranted, either to the interests of the hour, or the solemnity of the occasion, to follow that gentleman, by making his own panegyric, or that of any other person. He agreed with him, however, in referring all to the panegyric or condemnation of mankind, who would pass their sentence upon the candour and decency of Ministers, in refusing to much time for the examination of contested accounts, some of which had not even been read to the House, as would elapse till the handle of that clock returned to the figure to which it was at that moment pointing. He said, that the question in its present form was but a narrow one, and that he should, in conformity to regularity in debate, have confined himself strictly to it, had not some observations fallen from Mr. Erskine, which must not pass unanswered. With respect to the question of adjournment, with what justice could it be said, that those important accounts were not one of the foundation stones on which the Minister had built his plea of Necessity? A Gentleman peculiarly versed in those accounts, professed himself a friend to the commitment of this Bill, and yet differed entirely from the Secretary's declaration, by the mode of stating the freight; a very extensive article one way or the other. The Secretary had scarcely finished his assertion, that the debt from the *Vizier* was perfectly desperate, when the General (Smith) behind him declared that he was satisfied, that debt was now paid; that the debt from Tanjore was also settled a debt to be obtained by armaments and rapine; to which it had been answered, that it was but one year's arrear of a tribute, comparatively small, and in general regularly paid. That the whole dead stock of the Company was struck off at once; and even their extensive property in London estimated by Surveyors at 250,000*l.* was not allowed them in account; and their own capital stock, was considered as a debt due to others. Nay, an account presented in evidence, shewing that the circumstances of the East India Company were far better now than in the year 1773, had not even been read, although at that period the authors of this Bill thought it impolitic and unjust, to interfere merely by way of prevention. How far all those circumstances should be admitted or excluded from the statement given in, without farther evidence, without farther information, without farther consideration, he would not for one determine; but said, since that evidence and consideration was refused, the consequence must inevitably be, that he must take the account given in to be true, when compelled to divide in the moment, and precluded from examining the grounds on which it had been attempted to impeach it. Could it be conceived that a delay of a few hours could be seriously meant as a colour for procrastination? How many would undertake to say that they could decide on a sudden, upon controversies arising in the House, out of the nature and course of the East India Trade: Such as could not, he argued, must agree to the short adjournment; if they did not, they could only proceed in the Bill, admitting what the Company stated to be literally true. Having urged these arguments with his utmost force, he observed, that as it was plain that the time asked for would be refused, he should next advert to what he considered as the most alarming wound to the Constitution of this country that ever had been given: That a trap was laid for the liberties of the nation by this measure, and that it was attempted to entangle men's judgments, by hurrying them through accounts at one moment, and attacking their feelings, by pathetic accounts of the misconduct of the Company's servants at another. Mr. Erskine, he observed, had set out with saying, that a *system* had been called for, and was now objected to when produced; but what was that *system*? A most compendious one indeed, which must be comprized in these few words—*Give India to me for five years certain, and I will manage it for you.* No less than three different grounds, had been laid, on three different days, for this enormous design. At the opening of the session, it was grounded on a description of Mr. Hastings's conduct, which he, who had laboured hard in the service of the House, and had served his apprenticeship to that business, would undertake to thew was, in many instances without solid foundation, and in every instance, exaggerated, although he condemned the policy in many points. This, however, was a work of great detail, and not then necessary. On a subsequent day, it was grounded on the supposed *Bankruptcy* of the Company; and it was now grounded by the Honourable Gentleman, on a radical defect in the system. How came that radical defect, which must ever have been operating, to have been reserved for his

consequences, some of which he had shortly touched on, it would be an act of policy to continue the government of the Territorial Acquisitions, and the management of the Territorial Revenues any longer in the Company's own hands. In like manner, if the Bank Directors had been guilty of similar misconduct; if they had almost ruined the Stocks, if they had endangered the Public Credit, he should not only not hesitate to take their Charter away, but hold it to be an indispensable duty to revoke it. A Charter was, he said, a solemn trust confided in the Body Corporate, to whom a Charter was given: If the trust was abused in any one instance, that Charter was and ought to be revocable. The East India Company had forfeited their trust in various instances; and with what pretence could they talk of the sacredness of Chartered Rights, who had broken through Chartered Rights in India, in innumerable instances? But it was said the Bill created a species of Influence unknown to the Constitution, and gave it to the Minister for the time being; and this was made the subject of loud clamour and vehement invective. What reason was assigned for this? Truly, that his Right Honourable Friend would propose his own Partizan, for the Seven Commissioners. No doubt, he would. Who should he propose, but those he could confide in? There was nothing unnatural, nothing alarming in all this: Any other Minister would do the same. Mr. Burke passed the warmest encomiums on the Bill, and said, highly as he esteemed his Right Honourable Friend before, he admired him much more now. His Bill would immortalize him, and make him the subject of adoration in India. When the cloud of misrepresentation, so industriously circulated on the subject of the Bill, had disappeared, and the strong sun of truth had cleared up every shade of fallacy, the Public would be able to judge for themselves; and he would venture to assert, that when the Bill was fully understood, and the System of his Honourable Friend universally known, both the one and the other would be as much the subjects of praise and approbation here, as he was convinced they would be the subjects of the most heartfelt gratitude in India. Mr. Burke concluded with a warm and high-wrought panegyric on his friend Mr. Fox, whose venturing to risque his popularity, to face the industrious calumny of interested malice; to stem the torrent of factious clamour artfully raised within doors and without; and to run every hazard as a Man and a Minister, in order to carry a measure on which the salvation of our Indian Territories, and the happiness of thirty millions of subjects in that quarter of the globe, and the honour of the British character depended, he declared, did him the highest honour.

Mr. DUNCOMBE said, he could not accede to the Right Honourable Gentleman's reasoning: He had argued upon the Influence of the Crown with a view to extension and aggravation; a circumstance which, in his mind, rendered his argument pernicious and dangerous. Mr. Duncombe reprobated the Bill, as a wanton violation of the Chartered Rights of the Company. He said, there was no reason for any such violent measure; and that it rather seemed to be the Minister anxious to make the distress of the Company a handle and pretence for grasping at inordinate power, than a real necessity, which prompted the whole proceeding. He lamented that Mr. Fox, who had for years pleaded for the Rights of the People, should have changed his principles, and become the Advocate of Influence. He had ever opposed the Influence of the Crown; and as he saw the Bill would put Influence into the hands of the Minister in a still more alarming point of view, he would resist the Bill strenuously.

Sir GREY COOPER said, in every preliminary or incidental debate or conversation on the state of the affairs of the East India Company, during the course of the last and at the opening of this Session, it had been, and was at the moment he was speaking, universally admitted, that that great and most important consideration demanded the immediate and effectual interference of Parliament. It was said, and not denied, that something must be done to save the Company: Something to secure the State from the peril of being too deeply interested in and complicated with the fortune and state of that great Company: Something that might give not only order and regulation, but energy and duration to the administration of their affairs at home and abroad.

It was, and is admitted, that the arm of the present Direction is not strong enough to wield or to manage such a government.

A Protest was entered last year, and, with ease, renewed at the opening of this Session, against Palliatives, Half Measures, Procrastination, and Delay.

Every body was for the unexplained Something; but when the Something was stated, when the outline of the Proposition now under consideration was drawn, with-

out

But a moment's pause of deliberation, it was with the rapid glance of intuitive comprehension declared to be a measure of despotism on the one side, and of corruption on the other; and when Necessity was urged as the ground of Parliamentary interposition in this case, Necessity was called by all the names that the exaggeration of eloquence could express, and was called by the old name or the Tyrant's Plea, and the new one of the Creed of Slaves. Upon this topic the Counsel of the Company enlarged, and expended their imagination. They said the Plea of Necessity existed in the times of the Stuarts, but that it was buried at the Revolution. That was a singular period to assign for the supposal of Necessity; for to follow that most striking observation of the Right Honourable Gentleman who presented the Bill, if Necessity had not been the plea and the justification of freemen at the Revolution, this House would not now have had a deliberative capacity, and the mandates of absolute power would have been the creed of slaves. Mr. St. John, in his famous argument on the case of Ship Money, admitted the plea of Necessity in many cases: He proved, that the necessity for that money was false and pretended; but that rights and property being introduced and maintained by known laws, there were times, when, like the Philistines upon Sampson, those laws were too weak to bind us; and, as Cicero says, *Necessitas magnum humanæ imbecillitatis, patronium omnem legem frangit*. This is a strong authority, and if in this case the Necessity be evident, uncontrollable, and unmanageable by expedients, it is an indispensable duty of Parliament to its Constituents, and to their Country, to interfere.

The good sense of these times will not be diverted from its purpose by mere words, however splendid they may be; or by assertions, however imposing or magnificent they may appear to be; for from whatever height they may descend, this House will form its opinion upon evidence that has been brought home to the matter before them, not upon the ground of speculative reasonings, and conclusions drawn from abstract propositions upon the basis of facts as they are; not upon the possibility of what they may be; upon the state of things, not upon the characters of persons.

The interference of Parliament to regulate, reform, alter, rescind, and vacate Grants and Charters of the Crown, are most uncontestedly justified by the law and justice of Parliament. The proceedings of this House, and the Acts passed in consequence thereof, in the cases of the Turkey Company and the African Company, are clear proofs of this position; the detail of which may be seen by the Journals, and in as good times as any this country boasts.

The dispute was not, he conceived, at present, upon the sacred right and immutability of the Company's Charter, though that at first seemed to be hazarded:

But upon the point, whether a case be made either upon evidence or common notoriety for the present interposition; and that is really the true question upon the principle of the Bill.

He had always been given to understand, that it was the pointed plan and leading measure of the Earl of Chatham, whose name could never be mentioned in that House without reverence, that the Government of this Country should avail itself of the profit and advantage of the Territorial Acquisition and Revenues, which, at the time in which he was the efficient Minister, at the close of the year 1766, were known to be in the possession of the Company; and in his way to the attainment of this great object, he did not seem to consider the Charter of the Company as any stumbling-block or impediment to this career.

Committees of Enquiry were instituted—whilst that enquiry was going on, when the General Court was running the course, and following the visions of the South Sea Scheme, their progress was arrested by a most spirited and salutary interposition. The account of the Vote of the Court came when the House was sitting. A Bill was drawn upon the Box on the Table, in a few minutes, by one of the ablest Members of Parliament who ever sat in that House. The Company petitioned against the Bill; but upon a question whether it should be referred to the Committee, that Petition was rejected. In the midst of these proceedings, the Company entered into a negotiation to pay a considerable rent for the possession of the Territories, and a bargain was made that lasted till 1773. The Bills in 1773 it was not necessary to state; but he desired that part of the Preamble to the second Bill might be read: It was drawn by the same respectable Member who proposed the Restraining Bill for their Dividends, and against their sending out a Supervisor to India.

But an account was produced to shew, that the Necessity does not exist, and that the Company was only under a temporary difficulty and distress; and that upon the whole, their property was far beyond their debts and demands, and that they were in a prosperous situation.

This account was certainly produced as evidence by the Counsel at the Bar; but it was to be remembered and observed, that they did not rest their case on their arguments upon it, and that they were not instructed to desire that it should be read.

They seemed to be aware, that it was not calculated to be read. The abstract looked well, and the sum total bore a good face.

But unfortunately for this account, it fell to be examined, searched, and dissected, by the most acute discernment; and the fallacies of this extraordinary paper were stated and exposed in the most clear and convincing animadversion—at the touch of the spur it started up in its own shape.

He had nothing to add to these observations, except that the account bore a double aspect. It was stated by great authority to be laid before the House, to prove; that no necessity of the present interference existed, for that the Company was merely under a temporary difficulty and distress: But on the face of it stated the value of property, which could have no value till the Company was dissolved, or in a state of actual and declared insolvency.

The value of their buildings in Leadenhall-street, their desperate debts at home and abroad, and their military stores, are clearly dead stock, and not convertible into money, till that event arrives.

In 1702, when the Old Company was dissolved, that account might have been proper to be presented to Lord Godolphin, before he made his famous award, which was the basis of the two Companies—the dead stock and buildings were allowed for at that time: But the case to justify the necessity was lost.

They owe the State, for Customs, one million.

They owe 100,000*l.* on their bargain for the payment of 400,000*l.* in 1782. This exacerbated the present deficiency in the Revenue of the Sinking Fund; and the payment of this debt cannot be long delayed.

They had been empowered to borrow money on their Bonds, to the amount of 500,000*l.*

Bills were drawn upon them to the amount of two millions and a half.

There was a loan of 300,000*l.* in Exchequer Bills, which must be cancelled. If not paid before the 6th of April, 1785, to fall on the then next aids, and collaterally on the Sinking Fund.

Would the House and the Nation consent to pay the debts, and to indorse the Bills, and to raise money to pay them, by taxes laid on the land, and the industry of the people of Great Britain, to relieve and support a Company, under its present government and management at home and abroad: A Company, which, instead of adding, by the result of its Commerce, to the National Stock; or by its Revenues, to the wealth and strength of the kingdom; hung a dead weight and heavy incumbrance on all our faculties and resources, and was the drain of the vital strength of Great Britain; and which would, if not prevented by some measures of energy and duration, sink us with it to inevitable ruin.

Mr. MARTIN said, that however painful it was to him to rise in that Assembly, that there were certain occasions on which he thought it his duty to resist every feeling of diffidence, and to offer a few words to the House in the best manner he was able:—That the present stage of this Bill was certainly one of those occasions; that he rose to express his cordial satisfaction, that the Right Honourable Secretary (Mr. Fox) had thus early and thus boldly thrown off the mask, and shewn to the House, and to the Public, his political complexion in its strongest colours. Mr. Martin said, that he was one of those that never argued any good, from what he should continue to call a ridiculous and detestable Coalition; but that he had not thought it possible that the Right Honourable Secretary should so suddenly have brought forward a measure so totally repugnant to those principles of opposition to corrupt Influence, on which he had been so many years declaiming: That having constantly voted with him, in endeavouring to diminish that sort of Influence, Mr. Martin thought he was justified in expressing the warmest resentment against such apostacy; that he was one of those whom the Right Honourable Secretary had frequently endeavoured to ridicule, for having wished that every European might be

driven out of the East; but that every hour, every minute, and every moment, confirmed him in that opinion; but that he was more particularly convinced by what had fallen in a former debate on this subject, from an Honourable Gentleman, whom he would presume to call his friend (Mr. Dampier) who had said something to this effect, that "He conceived we had no more right to take possession of lands in that part of the world, than a herd of Tartars would have to seize upon Yorkshire, or any other opulent district on this island."—That if any thing could increase the esteem he had for the Honourable Gentleman, it would be the liberality of his sentiments on this point; and that he heartily wished we had a Cabinet Council composed of men of such uprightness and such humanity. Mr. Martin declared, that he was in general an enemy to what is called Systematic Opposition, by which he understood, in plain vulgar English, the voting through thick and thin to oust an Administration; but, that if ever he should think himself justified in such conduct, it would be in times like these, when a set of men had abandoned the sound principles of the Constitution, and joined themselves to its greatest enemies, for the sake of satisfying their avarice and ambition, or to say the least, the virulence of their party spirit. That though many persons earnestly wished to drop the subject of the Coalition, as trite and unfit to be longer talked of, that he was of a different opinion, and wished to see a starling perched on the right elbow of the Speaker's Chair, who, whenever a pernicious measure, like that under consideration, was brought forward, should repeat incessantly to the Treasury Bench, "Disgraceful, shameless Coalition!" That he should not have been hurt to the degree he now felt himself, if the Right Honourable Secretary had deserted alone; but that he had deluded and seduced numbers of men who stood high in public estimation, and with whom he (Mr. Martin) had formerly thought it a very high honour to associate; but that now, however high their rank, and however elevated their station, compared to his humble lot, that he should endeavour to keep himself free from the contagion of their principles; for that the infection had spread far and wide, and had taken effect upon many Gentlemen, whose constitutional principles he thought were free from danger: That it was no wonder that the Right Honourable Secretary should be fearless of danger to himself in proposing any measure, however atrocious; for that, as an Honourable Gentleman (Mr. Duncombe) had very justly observed, he had a most glaring instance of imbecility in the Nation, in the impunity of his noble Colleague, whom he had ignominiously joined, though he, and several of his friends, had a hundred times pledged themselves virtually, if not in direct words, to bring to trial. Mr. Martin added, that he hoped, however pernicious and destructive to the Constitution that this measure might be in itself, that the attempt might be of service, by rousing the people at large from that lethargic insensibility with which they seem to be oppressed. That he had long ceased to be surprized at any thing in the Assembly where he was speaking; and that therefore it would be no matter of astonishment, if the Right Honourable Secretary should carry his Bill triumphantly: That he had great powers on his side; that he had numbers; that he had men of high rank and description; and that he had some gentlemen of a profession which, when liberally exercised, he held in the highest estimation; but that there were some of those gentlemen who were not contented with making talking their profession, but whose talk was nothing but profusion. That some of those gentlemen had, on a former day, seemed to wish, by dint of gesticulation and vociferation, to frighten the poor disheartened Minority into as high a veneration, or rather adoration, of the Right Honourable Secretary, as they themselves had professed; but that for his part, he was really not to be frightened out of the moderate share of understanding that God had given him; that he should never more hold the Right Honourable Secretary in any esteem as a public man.* Mr. Martin said, that an Honourable Baronet, whom they were about to lose from the House of Commons (Sir George Savile) had told the Speaker, in his hearing, in the face of the House, on a former occasion, that they had betrayed the Rights of their Constituents; that the House, conscious of the truth of his assertion, had quietly submitted to the reproof. Mr. Martin said, that if they should pass this India Commissioners Bill, that it would be a fresh betrayal of their Constituents. After having spoken pretty freely of Mr. Secretary Fox, he said, the Right Honourable Gentleman might, perhaps, not think him very modest, in presenting a Petition to him after he had thus openly censured him; but that he should, notwithstanding this objection, ask him a favour in that public situation. It was

no other, than that, in the course of the ensuing Session, he would not hurt the feelings of gentlemen by the mention of the name of a late noble Marquis, whose character most of all parties revered, however they might differ from him in their political opinions. Mr. Martin said, he was perfectly convinced that that virtuous Nobleman would no more have introduced or supported such a measure as that proposed, than he would have joined the noble Lord, who, to the disgrace and infamy of this country, walked abroad, untried, for the loss of an extensive Empire through his unjust and coercive conduct. Mr. Martin then took notice, that a Right Honourable Gentleman (Mr. Burke) had, with that spirit of humanity and fire of imagination which he possessed, entertained the House, for a very considerable time, with a most pathetic account of the miseries inflicted on the natives in the East Indies, whom Mr. Martin said he felt for with the greatest pain; but that he thought that the Right Honourable Gentleman would have passed some part of that time more to the purpose, in proving to the House, that the New Administration, as proposed for India, would be less corrupt and less cruel than that he wished to abolish. Mr. Martin added, that he could not sit down without offering his public thanks to the Honourable Gentleman (Mr. Powys) who had opened this Debate, for one of the most animated and truly patriotic Speeches that he had ever heard. Mr. Martin seeing this Bill in the light in which it offered itself to his understanding, gave his hearty and decided negative to the Speaker's leaving the Chair to go into the Committee.

Mr. ORDE made a very long speech, and began with saying, like the Right Honourable Gentleman who spoke lately, he could declare, he had been for years laboriously employed in the investigation of the Affairs of India; that he likewise had not troubled the House on that subject for three years; and, he would add, that although his abilities might not be any thing like equal to those of the Honourable Gentleman, he dared assert, that he was actuated by as pure a motive. He then proceeded to justify the Secret Committee, whose Reports, he said, he rose to rescue from the odium of having in any part of them suggested such a Bill as that under consideration. There was not a syllable in any one of them, Mr. Orde said, that led to such an idea; much less had it ever been in the contemplation of the Members of that Committee to propose a measure at all similar to that which had been introduced by the Right Honourable Secretary. The Bill brought in by the learned Gentleman beneath him (Mr. Dando) was the Bill which he had himself had a hand in drawing. That Bill did not break through the Company's Charter, annihilating all their rights, and seizing upon all their property; it merely regulated the Charter, by restraining the Court of Proprietors from their controuling power over the Court of Directors, and gave an increased degree of authority where the vigour of Government was most wanted, in India, where an equal share of responsibility was also placed. Mr. Orde strongly opposed the Bill.

Mr. BEAUFORT declared, he had listened with the greatest attention to the various arguments that had been urged in the course of the Debate, that he might either adopt with confidence the opinions of others, or be enabled by their means to correct and improve his own: For his object was not to censure or applaud Administration, but to contribute all he could to the establishment of such a system as might be productive of effectual Reform in India, with the least possible infringement of the Company's Rights at home, and with the least possible hazard to the British Constitution. He should therefore support the system proposed by the present Bill, where he could do it with integrity, and where he could not, he should endeavour to point out what preferable system might be devised.

Mr. Beaufort then took notice of that part of the Right Honourable Secretary's Plan, which provides for the happiness of the natives of India, which he said appeared to him to be equally humane and wise; and very ably stated his objections to the various other parts of the system wherein he differed from the Right Honourable Secretary; and declared, no evidence of argument, no power of language could add to the melancholy reflections which the very mention of them excited in the mind of every thinking man: But he should be told, that to find fault is an easy talent, and perhaps should be asked, "What better system have you to propose?" In the first place, he begged to be allowed to express his firm belief, that if any equitable plan were proposed, any plan not entirely inconsistent with their present rights, nor wholly incompatible with their future interests, to such a plan the consent of the Company

Company (dependent as they were upon Government for immediate relief) might be easily obtained.

Upon this supposition, the only one on which any alteration in this Charter could be justly made, he would propose that the management of the Company's commercial concerns should be committed to Agents chosen by themselves; in other words, that as far as their commercial interests were in question, the Constitution of the Company should continue as it was; or that if any alteration was to be made in it, it might be that of restoring to the Proprietors of £50,000 hundred pounds Stock, their ancient right of voting in all Resolutions of their Court. In the next place, he would propose that the management of the Company's Territorial Possessions should be assigned to three persons resident in England; to *three* persons, not to *five*, as nominated by the Crown, not by Parliament. He preferred three persons to seven, as adding less to the power of the Crown; and he preferred three persons to one, from a persuasion, that the time and talents of no single man were equal to such an extent and variety of business. The separation of the Company from their Territorial Possessions had been declared by the Right Honourable Secretary to be extremely difficult. Some difficulties, he knew, there were; but that those difficulties were insuperable, or even of serious magnitude, he never could believe, since the period of the Company's most successful commerce was that which preceded their Territorial Conquests; and even at the present time, the most lucrative of the different branches of their trade was that which they carried on with China, where they had no possessions.

In the third place, he would propose that the disposal of the Revenues of India, like that of the Revenue at home, should originate with Parliament, and that all sums expended should be applied to specific services, in consequence of specific grants. Extraordinary expences must, he knew, be incurred; but in that case the persons who issued the money would be responsible to Parliament; and if their actions were disapproved, were liable to punishment. It was likewise Mr. Beaufoy said, much to be wished, that all future accounts of money received or disbursed in India, might be referred to the consideration of a Select Committee, annually appointed by that House; and by that means, no frauds of any magnitude could easily escape detection.

In the last place, he would propose, that during the remaining period of the Company's Charter, such part of the India Revenue, as should be more than sufficient to maintain the Civil and Military Establishments, should be appropriated to the specific purposes of paying the Company's debts, and providing their investment. But that when the Company's Charter should expire, such part of the Surplus Revenue as Parliament should think might be drawn from India, without damage and ruin to the natives, should be remitted through the medium of the Company's investment, in the same manner as the private fortunes of the Company's servants were now transmitted to Europe, through the medium of the investments of foreign Companies. By this plan, the pernicious union of the two incompatible characters of Sovereign and Merchant, would be destroyed; the Company would be reduced to their original character of Merchants merely, and be compelled to exchange a trade of fraud and violence for an equitable trade in principles purely commercial; while the natives, hitherto a prey to the avarice of the Company, would live under the protection of the British Government as securely as they formerly lived under the protection of their own. This plan had also these further recommendations, that it violated no Charter; it trespassed on no man's right; it brought with it no breach of the Constitution; for it gave no executive power to the Delegates of the People; nor would it occasion any other addition to the power of the Crown, than that which in the nature of things was unavoidable; an addition so small, that it was not more than in proportion to the additional means of controul which would be given to Parliament. Mr. Beaufoy begged pardon for trespassing on the indulgence of the House much too long, and declared, if he had offended, it had not been owing to any presumptuous opinion of himself, nor he was sure any wish of hearing himself talk, but to the strong and earnest desire he felt to avoid those unwarrantable schemes, those desperate projects that rolled on *other* principles of the constitution of *prudence* and *justice*. When plans of this sort were proposed, not to give them all the opposition in his power, would be to sacrifice his own peace of mind, and his character as an honest man.

Mr. GREGORY rose to defend his own conduct, while a Member of the Secret Committee, appearing to Mr. Dundas and Mr. Orde, whether he had not recommended an effectual and timely measure respecting India, if any were pursued. Mr. Gregory declared, the Bill then under consideration appeared to him to be by far the best system that he had yet seen or heard of; but he hoped there would ever continue a respectable opposition to that House, who would narrowly watch the Commissioners' conduct, and exercise a vigorous control over their proceedings.

Mr. SAMUEL SMITH, jun. went through an argument upon the Directors' state of the Company's Accounts, delivered last Thursday, answering Mr. Fox's objections and objections, article by article, and charging Mr. Fox with wilful misrepresentation. Mr. Smith also added an argument against the principle of the Bill, in which he charged the whole with being a design to send off some half-plucked pigeons to India, in order that they might come back in full plumage, decked out in all the splendour of the East.

Mr. DUNDAS (the late Lord Advocate) rose, and in an animated and manly, but far and distant speech, delivered his opinion at large on the affairs of the East India Company, on the Bill he had himself brought in last Session, and on the Bill then under consideration. He desired the House to look a moment at the very extraordinary manner in which that Bill stood before them. When the Right Honourable Secretary opened it, he had been understood to declare the East India Company Bankrupt. He could not himself say whether this was the case or not, but he had read in a Report of the Right Honourable Gentleman's speech, at an inn on the road to town. That Report stated the Secretary to have made such a declaration; and the newspaper was not a partial one, and it was well known not to be adverse to the Right Honourable Gentleman. Take it for granted, however, that this was a mistake. Under this mistake, the Court of Directors prepare an account of their affairs, made up just as if they were Bankrupt. The Right Honourable Secretary answered the account with great magnanimity, and upon that issue the Bill proceeds. So that the Company, in fact, had not been fairly heard, and that House were wholly in the dark as to any information the Company were able to lay before them. Having dwelt for some time on the impropriety of proceeding under such circumstances, Mr. Dundas said, as the King in his Speech at the end of last Session, mentioned the Affairs of India, and said, "it would be one of the first subjects taken into consideration when Parliament met again, he was entitled to presume that the Right Honourable Gentleman had by that time made up his mind to his system, and that he perfectly well knew what that system was. It would have been fair, therefore, to have communicated to the East India Company, by their Chairman, or through some other medium, what the system was, that they might have prepared themselves to come forward with a true state of their accounts; and to defend themselves against the Bill when Parliament met. Having said this, he went into a detail of the proceedings of the Secret Committee, and of the origin, principle, and purview of the Bill which he had brought in last year. He declared the last Administration had no hand in forming it: That it was drawn only by a few Members of the Secret Committee. He argued upon the propriety of giving more power in India to the Government there, rather than to enlarge the powers here. After going very fully through this part of his subject, he came to the consideration of the present Bill, which he reprobated, as big with the most alarming consequences to the Constitution, declaring it created an *Imperium in Imperio*; and so far from increasing the Influence of the Crown, did what was much worse, created a new, inordinate, and unexampled Influence, which it placed in the hands of the Minister of the present day, and his party, for five years together. He described the dangerous consequences of such an influence, and recommended the appointment of a new Secretary of State, (a Secretary of State for India) as a far preferable measure. He declared, he had rather see the Master of the Show, than the Puppets he meant to move; if therefore Mr. Fox was in such an office, he was persuaded the duties of it would be actively and usefully discharged, and the Public much better served than by the seven Emperors the Right Honourable Gentleman meant to nominate.

The SOLICITOR GENERAL replied, and turned the arguments of Mr. Dundas, on the Minister's not having given the East India Company earlier notice of his system, upon himself, asking, why he had not given the Company due notice of his Bill of last year? Mr. Mansfield said, the *Imperium in Imperio* already existed; it was the East

East India Company, according to its present constitution. Mr. Mansfield added many other cogent arguments in reply to Mr. Dundas.

Mr. T. PITT made an eloquent declamatory speech against the present Ministers, charging them with having jostled themselves or power in an unwarrantable manner; and declaring, he considered the present Bill as to oppressive and alarming an attack on the liberties of the Subject, the independence of Parliament, the prerogative of the Crown, and the principles of the Constitution, that he feared, such was the daring violence of his Majesty's present servants, they would not stop their desperate hands, till they gave the country its death blow.

Lord JOHN CAVENDISH rose with some warmth, and declared, words and assertions delivered with all the ardour of declamation, were neither proofs nor arguments. When the Bill came to be coolly considered, the Public would see what pains had been taken by those who raised so much clamour against it, to confound their judgments, and mislead their understandings. The Bill was such a measure as the situation of affairs required. All systems must necessarily be adapted to the situation and circumstances of a country. Nobody but a child or a trifler would think of continuing the present Constitution of the India Company, and make those who had already proved themselves inadequate to the energy of Government, the medium of applying a new system to India. There were then but two options: To give the Crown the appointments, or to nominate in Parliament to them. The latter was adopted. Why? Because it was the most efficacious. Because the Bill was an experiment, and to give the system fair trial, it must necessarily be permanent for a sufficient time, to prove its utility. That could not be done in any other way than that chosen. It was necessary also for him to remind the House, that if Parliament did not pass that act, or some other, for the relief of the East India Company, within twenty days, the process must issue from the Exchequer, and the goods of the Company be all seized by virtue of an extent. For by that time, the limitation of the Act of Parliament would expire. With regard to having changed his principles, his Lordship said, he had never changed them. He had often, in the course of a thirty years parliamentary life, found it right to act with different sets of men. He had never deserted others, but others had deserted him; and that more than once, twice, or thrice. With regard to Party, there always must and would be party in a free country. It was inseparable from the nature of our Constitution; he had been a party man all his life, and so he should continue. There was, however, an essential difference between Party and Faction: Party was a system of connection founded on previous confidence; Faction the cry of an heterogeneous opposition, without system, and without connection. This, however, was an invariable maxim in his political creed, that public men must stand on their public character, and that the private favour of the Prince was not the constitutional road to office.

Mr. W. PITT rose the moment Lord John sat down, and made one of his most eloquent speeches. He condemned the principle of the Bill in terms of severe reprehension, attacked the Coalition, and charged Mr. Fox with acting with many avowed enemies to those principles which the Right Honourable Gentleman had so gloriously exerted himself in defending and enforcing, when he had first begun his political and parliamentary career, and had the honour of fighting by his side in the same cause; a cause which he never would abandon. Mr. Pitt ripped up some old Parliamentary evils; and threw in the teeth of Mr. Fox, the words he had used, when the misunderstanding had arisen in the House some years hence between him and another Member. Mr. Pitt talked of the liberty allowed to the Westminster Committee to meet, propose amendments of the laws, superintend Parliament, and control its conduct, and compared it with the not suffering the East India Company to be heard or to make their defence, when their Chartered Rights and properties were in imminent danger.

In the course of his Speech, he pledged himself to bring forward a Plan for the future government of our Territorial Acquisitions, and for the future management of our Territorial Revenues in India, less likely to create universal alarm and dismay, less oppressive, less violent, and less unconstitutional; but far more salutary and safe than the Bill then under consideration. Mr. Pitt said he was not then ripe for the mention of the Proposition to which he alluded, but he pledged himself to produce and state it to the House very shortly.

MR. SECRETARY FOX made a reply to all that has been said against the Bill, and in the debate, and against himself, in a strain of argument, ingenuity, and eloquence, that exceeded even his two admirable Speeches on the same subject in the preceding year. He retorted sharply on Mr. Pitt for his personality, and desired him to direct his instruct him to far, as to teach him in time to check his rising passion, and not let his resentment at Political Parties betray him into allusions to what happened long ago, and that had been made the subject of personal quarrel. Such allusions were equally unparliamentary and unwarrantable. For his part, he declared that he thought it wiser to forget his enmities, than to let political disagreements kindle into personal animosity, and kindle up a rage, at once unseemly, selfish, and ungenerous. Mr. Fox also reprehended Mr. T. Pitt, for charging him with having forced upon the Government. He said he and his colleagues had seized upon the Government, just as it had been seized on a year before, and it would be seized on again, whenever they should lose the majority of this House. Then, as to Mr. Martin, he said, if one starling was bought, he hoped the members of the House would not go so far as to refuse buying another, that one might stand perched on each arm of the Speaker's Chair, and the Anti-Collins would look in the face as well as the Coalition; the latter not being more dangerous than the former.

Mr. Fox said, he never would comply with the request made him by Mr. Martin, to refrain all future mention of the Marquis of Rockingham's name. That noble and much lamented Statesman, had he lived till now, Mr. Fox said, he was persuaded would have given his firm support to the Bill, not upon the principle of its being any thing like an invasion or betrayal of the Rights of their Constituents, but because it was a measure called for by necessity, and justified by expediency; a measure calculated to relieve the East India Company from their distress, to secure to them the exclusive monopoly of their Trade to India; to give happiness and safety to thirty millions of subjects abroad, and to vest the Government of our Territorial Acquisitions, and the management of our Territorial Revenues in Asia, in such hands, and subject to such controul at home, as should preserve them to this Country. Mr. Fox defended the Bill in a manner perfectly masterly; and so fully convinced was he of the rectitude of the measure, that he would not put every thing upon it. With regard to the names to be proposed, he had purposely abstained from mentioning them, that the Bill might rest on its own merits, and on them alone. As a noble Earl had been alluded to, he would only say, that if the Earl of E. William was to be our Commissioner, he did not mean to propose Paul Benfield, Esq. for either. Mr. Fox directed parts of his Speech most ably to what had fallen from Mr. Powy and Mr. Dundas, obtaining the cry of *Hear, Hear*, more than once, at the expense of each of these Gentlemen.

MR. ARDEN made a tart reply, declaring he looked on the Bill to be neither more nor less than a bargain between the Right Honourable Secretary and his noble Colleague. The noble Lord and he had agreed, that the Secretary should have the direction of the East India patronage for the first five or seven years, and the noble Lord for ever after.

At length, it being half past four in the morning, the House divided,

Ayes,	_____	217
Noes,	_____	103
Majority,	_____	114

The Call of the House was then adjourned by Mr. Pitt till Wednesday, till which time the House also adjourned.

Wednesday, December 3, 1783.

The Order of the Day being moved, for the House to resolve itself into a Committee of the whole House, on the Bill for "vesting the Affairs of the East India Company in the hands of certain Commissioners, for the benefit of the Proprietors and the Public," the same was agreed to, and the motion "that the Speaker now leave the Chair," being likewise carried, Mr. Ode took his seat at the table, when the consideration of the preamble being as usual postponed, the Committee proceeded to debate the clauses, and fill up the blanks.

The first clause, as moved to be amended, and as the motion was carried, *depends* the government and management of the Territorial Possessions, Revenues, and Commerce of the United Company of Merchants, trading to the East India, by the Directors and Proprietors of the Company, during the continuance of the Act.

The blank in the second, which states who are to be the seven Commissioners, was filled with the names of

William Earl Fitzwilliam.

Hon. Frederick Montagu.

Right Hon. George Legge, commonly called Lord Levisham.

Hon. George Augustus North.

Sir Gilbert Elliot, Bart.

Sir Henry Fletcher, Bart. and

Robert Gregory, Esq.

And any three of them were vested with the powers and authorities heretofore vested in the Directors and General Court of Proprietors.

Mr. Fox of course named the Commissioners, but in proposing them respectively, he fairly stated to the House the grounds on which he nominated each. He said the whole seven that he should propose, were names which he trusted would sufficiently recommend themselves, and not only refute calumnies thrown out against him in that House, but prove, that he looked to an appointment of men of unquestionable character and integrity, superior to undue influence of any kind, or that might be attempted from any quarter. All of the seven, but two, had served either on the Secret or Select Committees appointed by that House to inspect the Affairs of the East India Company, and were therefore perfectly competent to the government of India, and the future management of its concerns.

When he named Lord Fitzwilliam, the name passed unanimously.

On nominating Mr. Montagu, who, he said, would, on his accepting the office, vacate the high place he now held under his Majesty, Sir Edward Ashley rose, and said, neither he, nor any man, could have the least objection to Mr. Montagu; but he wished to know whether he was to continue to hold his seat in Parliament?

Mr. Fox said, it was not then the time to ask such a question; but whenever it should be thought proper to move a Clause of Disqualification to that in that House, on the ground of any person's holding the office of Director of the Affairs for India, he would meet it with his objections. It appeared to him every way proper, and indeed necessary to consistency, that person acting under a Parliamentary Commission, should be Members of Parliament. In the present case, it was particularly necessary, in his mind, that the seven Commissioners holding, like his Majesty's Ministers, high and responsible situations, should be Members of one or other of the Houses of Parliament, in order, like them, to be daily present, and thus become liable to daily enquiry or censure, as the face of their conduct might render requisite.

Sir EDWARD ASTLEY could not help differing from the Right Hon. Gentleman; he talked of the Board of Trade and other public Boards, abolished by Mr. Burke's Bill, and said, to what end abolish influence in one or two trifling instances, if we increase it in a larger?

Mr. Fox pointed out the extreme difference of the cases. The officers of the Boards abolished, held their places at the pleasure of the Crown, which gave the Minister a constant influence over their votes. The persons nominated Directors by the

the Bill then under consideration, were to be appointed Directors for a certain term of years; the Minister therefore for the time being could have no influence over them.

Mr. POWY said, he disliked the principle of the Bill so much, that he sincerely wanted, it might never pass into a law; but with regard to the point in debate, he agreed most perfectly with the Right Honourable Secretary, and differed entirely from his Honourable Friend, the Honourable Baronet behind him. He thought, on a great variety of accounts, that must be obvious to every lover of the constitution, that if persons were to be appointed, to act under a Parliamentary commission, Members of Parliament were, of all others, the most proper to be named in that Commission, as they would by that means be subject to daily question from those under whose authority they acted. Mr. Powy said, he verily believed, if the Right Honourable Secretary had picked and culled from all the names in the nation, he could not have pitched upon two, not only less exceptionable, but every way so respectable, and so worthy of the highest confidence, as the names he had proposed. Mr. Powy declared, he should not vote upon any one of the clauses before the Committee.

Mr. MONTAGU's name being then unanimously agreed to, Mr. Fox proposed that of Lord Lewitham, who had been upon one of the Committees.

Mr. ARDEN said, he arose not to object to Lord Lewitham personally, because no man had a more profound respect for the character and abilities of the noble Lord than he had; but he wished to lay it down as a position worth attending to, that those Members who had been upon Committees of the House, ought not for that reason to be deemed more eligible than others, to offices created in consequence of the Reports fabricated by the labour of those Committees. In other words, he did not wish to have it admitted as a reason why any Gentleman should be preferably appointed to an office, constituted in consequence of the suggestions of a Committee, for his having been a Member of that Committee.

Mr. Fox replied, and with some sarcasm observed, that it was rather a strange objection to the noble Lord, to contend, that he was less eligible to be appointed a Director under a Commission for the better Government of India, because he knew more of the subject of Indian affairs than most other people could do.

Mr. ARDEN replied, and said, the Right Hon. Secretary's answer went the length of implying, that no other person knew any thing of Indian affairs but those who had been on one or other of the two Committees. Mr. Arden repeated his former observation, and said, all he meant was, that it ought not to be laid down as a rule, that Gentlemen, having been Members of a Committee who suggested a new office, were more preferable than others, when the nomination of those who were to act in such office was adusting; because if that were the case, every man in that House, who had a view to a lucrative or honorary employment, would procure himself to be chosen a Member of a Committee likely to pave the way to the creation of such employment.

Mr. BAKER said, there appeared something so contradictory in the remarks just made, that he was sorry to hear them come from his learned Friend; and he thought they came with a peculiar ill grace from that side of the House. Gentlemen must remember, that it had been contended over and over again, in objection to the principle of the Bill, that it went to the establishment of such a system as had never been heard of; such a system as could never have entered the brains of any man; a system that nobody could possibly have guessed at. After this, it was scarcely to be believed, that one of the very Gentlemen who used such arguments, should now contend, that a noble Lord was an unfit person to be a Director, because he had been a Member of a Committee appointed three years ago, and which Committee every man's common sense told him, could not have had such a Bill as the present in their contemplation.

Mr. ARDEN replied again, and declared, he never had intimated that the noble Lord proposed, either was now, or was ever, liable to be influenced by any such mean motive, when he became a Member of any Committee. He had in his first speech declared the very high respect he entertained for his character, and said then, at one more repeated, that he merely made the remark upon general ground, and not with any particular application.

General SMITH said a few words, to desire, that those who at the express order of the House dedicated their time and attention to the public service, by acting on Parliamentary Committees, might not have any such illiberal motives attributed to their conduct.

Lord Lewisham's name then passed unanimously.

Previously to nominating Colonel North, Mr. Fox said he should probably have a laugh at the expense of the Coalition, when he came to mention the person who was next about to propose; that should not, however, prevent him from declaring the satisfaction he felt, and hoped he should continue to feel, in acknowledging and doing justice to merit, let him meet with it where he might.

Colonel North's name was unanimously agreed to.

Mr. Fox said something extremely handsome also of Sir Henry, Fletcher and Mr. Gregory, whose names were likewise unanimously agreed to.

The next alteration proposed was, to change the word Commissioner to the word Director, all through the Bill; an alteration adopted by Mr. Fox, to meet the wishes of several gentlemen who had delivered their opinions upon the Bill, on the days of former debate upon it.

An alteration was also made in the third clause, which empowered the Directors to possess themselves of the land, houses, books, papers, &c. of the Company. The clause was modified, and less offensively worded.

When the Committee came to the fourth clause, that appointing the Eight Assistant Directors, Mr. Fox said, he was under a little difficulty; he had certainly mentioned his intention of having only Eight Assistant Directors, but he had been advised by those conversant with the Company's affairs, to propose Nine, for the sake of dividing them into three and three, to superintend the different Committee, and for the more convenient dispatch of business. He should therefore propose Nine, and he said, he had selected them out of the names of those, who either then were, or formerly had been, in the direction of the Company's affairs, agreeable to the advices of persons competent to inform him upon the subject.

The names proposed to fill up the blank were,

Thomas Cheap, Esq.
George Cumming, Esq.
John Harrison, Esq.
Richard Hall, Esq.
Stephen Lushington, Esq.
John Mitche, Esq.
John Smith, Esq.
George Tatem, Esq. and
Jacob Wilkinson, Esq.

Mr. Fox said, he saw no particular reason why these Assistant Directors should not be Members of Parliament, and therefore he had not proposed any clause declaring an Assistant Director incapable of holding a seat in that House.

Mr. HUSSEY desired the Right Honourable Secretary to revolve the matter in his mind, and asked him if he could assign any reason to shew, that Members of Parliament would make better Assistant Directors than other men. Mr. Hussey declared his thorough approbation of the Bill; it had, he said, been called a bold measure, but he was persuaded, if India could be saved at all, it could only be by bold measures. He wished, however, to convince the public, that his Majesty's Ministers and Parliament were determined to act with purity and with vigour, and therefore, he said, if the Honourable Secretary did not, he would propose a clause on bringing up the Report, to declare the holding the office of an Assistant Director incompatible with the holding a seat in that House.

Mr. Fox said, whenever such a clause was offered, he would meet it, and argue it upon its proper grounds. He then said, that with regard to paying the Seven Directors, and Nine Assistants, his own opinion, he would fairly say, was most decidedly forgiving them all fixed and known salaries. That, however, he had given up, with regard to the Seven, partly at the instance of the persons themselves, and partly in deference to the judgment of others. The Nine Assistant Directors, however, must undoubtedly be paid for their time and trouble. He found on enquiry, that the India Company allowed the present Twenty-four the moderate salary of £500 a-piece, and gave an additional to the Chairman and Deputy Chairman, who had

amounted

amounted to near three thousand a-year; there was beside, a table, &c. provided for them, the expense of which amounted to about 2500*l.* more; so that in the whole, the expense to the Company was near eight thousand a-year. He meant to propose, that each of the Nine Assistant Directors should have 700*l.* per annum, which would amount to 6300*l.* so that the Company would save near four thousand a-year. As the Commissioners were paid at all, the Public, and not the Company, ought to pay them.

Sir WILLIAM DOUBEN said, he hoped the Right Honourable Gentleman would propose a salary for them. That it was idle to expect the Public should be served for nothing; and in his opinion, much the wisest way would be to give the Seven Directors fixed salaries of 1000*l.* or 1500*l.* a-year each, or something handsome, but at one rate something determinate.

The further consideration of this matter was then waved, and the Committee proceeded to fill up the other blanks. Five Directors were empowered to remove and displace an Assistant Director, who should upon enquiry, and after examination, be by them found guilty of neglect of duty, or a wilful disobedience of orders; but the Five are to enter their reasons for so removing such Assistant Director, in their journals.

Lord Fitzwilliam was appointed Chairman of the Seven Directors, and Mr. Manners Deputy Chairman.

No person is to be a Director, or Assistant Director, against whom the charge of corrupt practice, peculation, or oppression of the natives of India shall appear on the records of the Company, *two years* before the time of his nomination, or shall he made upon oath before the Directors, *two years* before the said nomination, until the Directors, or any three of them, shall have examined into the same, and shall have declared upon oath before his Majesty in Council, that they in their conscience believe such person not guilty of the said charge.

No person in the service of the Company, either now or heretofore, shall be capable of being a Director, or Assistant Director, till after he had left India full *two years*.

The Directors to lay a state of the Company's Affairs before the Company, once in every six months.

The clause, forbidding the Proprietors from holding any other meeting than twice a-year, was given up, and struck out by Mr. Fox, to meet the wishes of the Proprietors.

The Directors are to lay as a court of the produce of the Territorial, and other Revenues of the Company, and also Estimates of the Civil, Military, and Naval Establishments, together with a State of the Land, and other debts, before both Houses of Parliament, within *twenty days* after Parliament meets each Session.

The preamble to the clause, page 7, of the printed Bill, on the subject of the Mismanagement of the Company having arisen from neglect of the Directors, in not examining charges transmitted them against their servants abroad, is struck out; but the Directors are obliged to examine into such charges in future, within *twenty days* after they are received by them.

The Directors are obliged to return an answer to the Governor General and Council, upon any matter requiring their opinion or direction, within *three months* after receiving the letter requiring the same.

Three Directors to form a Board.

All correspondence of the Directors, with all persons in the service of the Company, to be signed by the Secretary, by order of the Board.

The Act to be in force for *four years*, from the time of the Bill's receiving the Royal Assent.

Mr. Fox proposed five years, but said, he did so, because he must propose some fixed period, as the motion of the Bill; should it, however, hereafter appear to be the wish of many Gentlemen to have it limited to a shorter period, he would submit.

Sir WILLIAM DOUBEN declared he wished it to be as short as possible. He approved the Bill entirely, and was so confident of the integrity and ability of the persons named for Directors and Assistant Directors, that he was ready to trust them for *three* years; but he nevertheless wished the Bill to be limited to three years; if it succeeded, he was sure, before the three years expired, a much longer period would readily be granted;

But more especially as it was professedly a Bill of experiment, he thought ~~three~~ years a period long enough for trial.

Mr. Fox said, he would take the medium, and named *four* years, which proposition was acceded to.

Mr. DEMPSTER said, he feared India was not to be saved; but if any thing could do it, he verily believed this Bill would. He wished, however, if it could be done, without violating the Common Law of England, that a clause was introduced for establishing some sort of a Civil Jurisdiction, and vesting it in the Directors, if it went no farther than enabling them to levy fines on delinquents, under their authority; but at the same time leaving an appeal to the Courts of Law, and to Parliament, open.

The SOLICITOR GENERAL brought up an additional clause, and Mr. Fox brought up two, one of them for allowing a Salary of good *per ann.* to each Assistant Director, to be paid by the Company.

Having gone through the Bill, the Chairman was ordered to report the Amendments to the House.

The House being resumed, Mr. Fox moved, that the Report be immediately received. Mr. Fox said, he did not make this Motion with a view to gain any advantage, but merely in order to move, that the Report be printed, as he intended to move that the Report be taken into consideration next Friday; and if it should then be agreed to by the House, he designed to move that it be read a third time on Monday next. He said, he gave this fair notice, in order that Gentlemen who wished yet to oppose it, might know when the general merits of it would properly come under consideration.

The Motion being carried, the Report was brought up, and ordered to be printed for the use of the Members.

Friday, December 5, 1783.

The Order of the Day being read, for the House to take into consideration the Report of the Committee on the Bill for "vesting the Affairs of the East India Company in the hands of certain Commissioners, for the benefit of the Proprietors and the Public," the House proceeded to consider the Report accordingly.

When they came to the clause in which the Assistant Directors are nominated, Mr. Secretary Fox rose to offer his ideas on a subject that had been suggested in the Committee of last Wednesday, respecting the Nine Assistant Directors. An Honourable Gentleman (Mr. Hufley) had promised to bring in a clause to prevent any of the Assistant Directors from sitting in Parliament. The principles on which the clause rested had already been mentioned; and they appeared to him not very substantial. There was but one of the Assistant Directors who sat in that House; he was therefore the only one who could feel the force of the objections that might be made to the measure. He was very sure that no Gentleman could say, any thing to his charge, of which he needed to be ashamed. As a Member of that House, he had always conducted himself with much propriety; and his character out of doors was no less in his favour. If the House should think proper to prohibit the Assistant Directors from sitting in Parliament, he should readily submit to their determination: But as no such prohibition had yet taken place, there could be nothing amiss in his proposing a plan that had occurred, and which he knew to be founded on good reason. The plan he meant was in its nature a prospective one; and the tenor of it was, that if the House should think proper to preclude the Assistant Directors from being Members of Parliament, by a clause to be now made, that the Gentleman (Mr. Wilkinson) who was the only immediate object of it, should be excepted; that he should be allowed to retain his seat, which he had filled with so much respect; but that all the other present Assistant Directors, and all that might hereafter be appointed, should be precluded from such a privilege. The Honourable Gentleman, he knew, would much rather keep his seat than his new appointment. If he should be prevented from enjoying both at once, he (Mr. Fox) would then try to find a proper person to succeed him,

him, though he really despaired of finding one so fully qualified for the office as he confidently was.

Mr. WILKINSON modestly said, that if it appeared to the wisdom of the House, that his holding both privileges would be a bad precedent, or if it should be suspected that his being in the House, while a Director of the Affairs of India, might be the means of promoting an undue Influence, he should readily submit to see his name erased from the list of Assistant Directors.

Mr. DIMPSTER said, the sort of compromise proposed had so completely hit his mind, that he hoped there would not be the least difficulty in agreeing to it. He owned he came down to that House with an intention to support a Disqualification Clause; but knowing, as he did, that there was not a more upright or independent Member of that Assembly than the Honourable Gentleman who had just sat down, he had a thorough confidence in him, and should not in the least scruple to trust him in a situation, in which all men were not equally to be trusted.

Sir WILLIAM DOLHEN reminded the House, that the number of the Assistant Directors had been increased since the Bill was introduced. It therefore became necessary that the House should act cautiously; but at the same time, as the Assistant Directors were to have the whole commercial concerns of the Company in their hands, he thought, if a Disqualification Clause was moved, it should contain an exception, and allow two at least of the nine to have seats in that House. Sir William stating the extreme difference between putting questions to a Member in his place, and examining a person at the Bar. A variety of occasions might occur, when it would be a desirable thing to have an Assistant Director present; upon this account he hoped, the hint he had thrown out would meet with some attention.

The House proceeded to read the several Amendments; and having gone through the whole of the Bill, the Speaker announced it to be the fit moment for proposing new clauses.

Mr. HUSSEY then rose, and said, he meant to propose a general Disqualification Clause, with regard to the Assistant Directors; and at the time that he did so, he begged the House to know, that there was not in existence a Gentleman of whose independence and integrity he had a higher opinion, than the Honourable Member whose name stood in the list of Assistant Directors, with which the Clause was at present filled up; but the Bill he must call a violent, though a salutary measure; and although he fully admitted the Necessity of the violence of the measure, and meant to vote for it, yet that House ought to guard such a Bill as much as possible. In doing so, he was persuaded they would best discharge their duty to the Public, and preserve the independence of Parliament: Nor could he see that there was any thing to extraordinary, or unreasonable in enacting, that no person holding the office of Assistant Director should be capable of sitting in that House. They had done as much in various instances; the Commissioners of the Customs, of the Excise, and of the Navy Board, were all disqualified. The reason was obvious; to prevent those Gentlemen being influenced in their votes. He thought it to the full as necessary to guard against undue influence in the present instance; and therefore as a Clause of Disqualification ought undoubtedly to rest on general grounds, and neither look retrospectively or prospectively, with a view to the situation of any particular individual, he had one in his hand which he moved for leave to bring up.

General SMITH said, if Mr. Wilkinson was excluded, he should certainly vote against the Clause.

Mr. HUSSEY spoke to a point of order. He wished to know whether the consideration of his Clause could be brought in after the Amendments that had been made to the different parts of the Bill.

The SPEAKER told him it certainly might. After the Amendments had been made, and the Clerk had come to the article of the Bill which respected the Assistant Directors.

Mr. HUSSEY then entered into the merits of the Clause he had proposed, at considerable length. He said the admission of the Assistant Directors in Parliament would be attended with very unhappy consequences. It was an unprecedented step, which Gentlemen ought to regard with a suspicious eye. The employment connected with their proper duty demanded a deal of attention, and could not be properly conducted where there was a distraction of thought. The researches connected with politics were also such as required industry and application; and from their very nature,

hostile to the just and orderly arrangement of commercial concerns. It was not without a painful thought to the Right Honourable Secretary to be deprived of such an accession of interest in Parliament, as the admission of all the Directors must have brought him. If, added he, all the former Directors had been Members, we should not now have been troubled with the Bill before us; or which all good men must entertain an unfavourable opinion. Mr. Husley declared, upon his conscience, that it was not through a spirit of opposition that he troubled the House with sentiments different from those which some others had given upon the same subject, but from those motives he had urged, and others of a similar nature.

General SMITH rose, and invited upon being heard. He then set himself to refute the assertion of the Gentleman who spoke last. He denied that the reception of the Directors into Parliament would be unprecedented. He could instance Boards of equal and greater dignity, the business of which required equal application and labour, and yet the Members of these were at that time sitting in Parliament. He did not deny that the occupations of the Directors would necessarily be great, but those who had hitherto been in the Direction were sometimes Members; and why might not those who were now appointed enjoy the same honour? It had been said, that if the late Directors had all been Members, there would have been no need of the present Bill; He admitted the position; but on very different grounds from those which the Gentleman who proposed the Clause had relied on. His reasons for admitting it was, that the Directors would have been better informed in their duty, by being conversant with Parliamentary Men.

SIR HENRY MACKWORTH could not discover the least shadow of reason in any thing the Honourable Gentleman had just said. He had no idea of declamation on so serious a subject: Nor was declamation by any means competent to the subversion of Truth. What his Honourable Friend (Mr. Husley) had said, was just and substantial; no art could elude its force: He himself knew, as well as any man, the duties of a Director; and he also knew the duties of a Member of Parliament. Either was sufficient for the employment of any man, provided he discharged his duty conscientiously.

The Directors had formerly been twenty-two in number,—now they are nine; and that surely did not promise any additional respite to them. It was not to be denied, that the Members of certain respectable Boards had seats in Parliament: But that consideration did not weigh much in the case before him; it was the nature and extent of the employment that ought to determine such things. The Commissioners of Customs, &c. had been excluded from Parliament; and, for a similar reason, he submitted that the Assistant Directors ought to be so too.

Mr. OSLOW spoke against the clause.

Mr. WILKINSON said he was very sorry to see the House taking so much trouble about a thing in which he was concerned. It was not his wish that the established rules should be transgressed on his account. He therefore begged that his name might be scratched from the list of Directors.—The House seemed very sensible of the merit of such candour and disinterestedness.—Mr. Husley's Clause was again read, and agreed to.

Mr. MANSFIELD, Solicitor General, then proposed several additional clauses; one so effectual, in the strongest terms, that the Company were to keep their exclusive trade to India unmolested, and that all their property was to be held in trust for their benefit and advantage; another to restrain the General Court of Proprietors from meeting oftener than once in every three months. He observed, that frequent General Meetings were always improper; and as they would draw the attention of the Directors from the important duties of their proper stations, they ought to be limited. He therefore proposed, that the Proprietors should be allowed to call only one Meeting in the three months.

Lord MANON thought it very hard to deprive men of the freedom of consulting their own affairs. Was it meant that the Proprietors should never be allowed to assemble, except once in the three months, to settle any business that might be necessary; and if their meetings were to be so rare, were they to be allowed to adjourn? He was assured that the learned Gentleman, with whom he had often voted, and whose conduct he always approved, as being peculiarly attentive to liberty of acting in the Company, should now become the instrument of robbing men of the most valuable freedom, the freedom of looking after their own affairs. He likewise attacked Mr. Fox, who, he said, had formerly proclaimed it to be the right of

every

every man to meet when and where he pleased, to consider his own concerns, and every public concern. This clause was a direct contradiction to that sort of language, and amounted to the most desperate act of despotism he had ever heard of.

Mr. Fox, who had smiled at the noble Lord's heat, rose with great calmness, and said, the language he had held formerly was a language he was ready to hold again. Every body had a right to meet when and where they pleased, to consider their own concerns, or the concerns of the Public; nor did the clause in question controvert that proposition. The Proprietors of the East India Company might still meet, when and where they pleased, and as often as they pleased. The clause merely restrained them from meeting often more than once in three months, as a General Court; from meeting in their corporate capacity to harrahs the Directors, and keep them attending upon them, when they might be much better employed, and thus delay and impede business, that might require decision and dispatch. Mr. Fox declared, his wish had been, that the General Court of Proprietors might have been left at large, to assemble as often as they thought proper; but the inconvenience and embarrassment which it had been stated to have, the use of such a power might give rise to in the future conduct of the Company's Affairs, were sufficient to convince him of the propriety of adopting a clause like that which had been just proposed by his learned Friend.

The SOLICITOR GENERAL rose again to elucidate the subject, but he did not give full satisfaction to

Lord MAHON, who inveighed strongly against the infringement of the liberties of the nation, particularly of the Proprietors, which the infamous Bill then pending, had brought about. He was very warm, and ridiculed the idea of limiting the Proprietors to four days in the year, for considering of their own extensive and important concerns.

Lord NORTH said, that the clause did not properly come under the title of restriction. It was not to confine the meeting of the Proprietors to four meetings in a year, for they might meet when and where they chose. It was rather intended to oblige, than restrain them from meeting; for it implied four meetings in the year, at which they were all to be present. He thought the noble Lord's zeal and warmth might have been directed in a more worthy and commendable manner. The clause was agreed to.

SIR WILLIAM DOLBEN, said, he wished the Bill had given some powers of removing the seven superior Directors amenable to other punishment than that of mere removal. The trust confided to their management was of the utmost importance, and so large an exercise of power ought to be accompanied with adequate powers of restraint, lodged either in that House, or in the Courts of Justice. He declared, he had a thorough confidence in the seven Directors, but he spoke on the general principle of the institution. He approved the Bill exceedingly, and he meant to give it his utmost support. He could not, however, but think it deficient in the point to which he alluded, and he must own he thought it disgraced by the miserable clause that had been moved, for allowing the General Court of Proprietors to meet four times a year. For what purpose were they to meet? Like the Assistant Directors, the drudges of the Bill, they might meet, not to consider the concerns of the Company, but to consider their own insignificance.

Mr. Fox said, he was sorry to find that the Honourable Baronet saw the clause in that point of view. Most undoubtedly it was not the true point of view, either with regard to the Directors not being amenable to punishment, other than by their removal, or with regard to the meetings of the General Court of Proprietors. That seven Directors being in high public trust, they were as amenable to the laws of their country for corruption, or any other malversation, as any officer of the Crown; and even if the offence were such, that the laws could not reach it, they were answerable to Parliament, and liable to parliamentary reprobation. With regard to the meetings of the Court of Proprietors, their meetings, certainly, were not insignificant. At such meetings they had authority to enquire into the state of their affairs; and if there should appear reasonable grounds of complaint, or charges against the Directors, they might resolve on the fit means of calling for enquiry, and address his Majesty, or that House, stating the grounds of their application, and desiring that an immediate enquiry might be instituted. Mr. Fox said, these were not insignificant, but important purposes; and so he trusted they would appear, when duly considered.

Sir WILLIAM DOLBEN said, the Right Honourable Gentleman had given him great pleasure. He was happy to hear there were other means of punishing the Directors in case of delinquency, than the single one of removal. Under the Right Honourable Gentleman's explanation, he should rest perfectly satisfied.

The SOLICITOR GENERAL read the oath that the new Directors are to take on being admitted to their offices.

Sir HERBERT MACKWORTH ridiculed it as being too inexpressive, and too limited; he called it an *innocent oath*. He said, an oath that was to bind men to such momentous duties, ought to have been expressed in the strongest and most striking language. The oath ought to have been so conceived and so worded, as to have touched the feelings of the most unconscientious man.

Mr. Fox said, the person taking the oath, bound himself in a very solemn manner, to be just and upright in the discharge of his several duties; and that, he thought, comprehended a great deal. The oath that had been drawn was as plenary and forcible, as the nature of the case seemed to require; but he would freely own, he did not think official oaths the best security the Public had for a due discharge of official duty. He then pointed out the other stronger ties, that bound men in high situations to act justly by the People, and honourably to themselves.

Lord MAHON adverted to a mistake which the Solicitor-General had made in some of his calculations; and he rejoiced to think that there was such a mistake in the Bill; he hoped there were many more in it. It was its imperfections only that could procure it its due treatment; with a few more such blunders it might be rejected in the Upper House, and that was what he earnestly wished to happen.

The SOLICITOR GENERAL said, his wishes and his endeavours for the Bill should be different: He should strive that it might meet its just fate; but it could do so only by appearing before their Lordships devoid of the errors his Lordship mentioned.

Sir WILLIAM DOLBEN took a view of the state of the Assistant Directors. He saw them stripped of honours which they might have enjoyed, had they not been preferred to that office; and he saw them overwhelmed with business: with nothing left, but to contemplate their servile and degraded situation.

Mr. SCOTT made some observations on the limitation of the Directors' power with regard to shipping. They had it much in their power to act impartially or unfairly with respect to the voyages they granted to Commanders. This, therefore, should have been specified in the oath.

After much more loose conversation, and various verbal amendments had been proposed and agreed to, the House got through the business, and the Bill was ordered to be read a third time next Monday.

Monday, December 8, 1783.

Mr. Fox Having moved the Order of the Day, Lord MAHON rose, and said, he wished previously to present a Petition. Mr. Fox immediately consented to withdraw his motion. His Lordship then stated, that he held in his hand a Petition against the Bill then about to be proposed to be read a third time; a Bill the most infamous and abominable, that had been at any time produced in that House. Had it become an Act of Parliament, his Lordship said, his respect for the Legislature would necessarily have induced him to speak of the Bill in less harsh terms; but in that stage of it he was perfectly orderly, in bestowing on it those epithets he had used; nor did he know any too severe that could possibly be applied to it. His Lordship then observed, that the Right Honourable Secretary had claimed the support and confidence of the House, not on account of his own character, but in consequence of his distinguished and powerful connexions: He had stated himself to be the leader of a great army, the right wing of which he had boasted, to have been commanded by the noble Lord at the head of the Exchequer, and the Duke of Devonshire, two noblemen of whom he thought very highly, though he did not admire their present connexions; but the Right Honourable Secretary had forgot at the same time to mention, that the left wing was commanded

dommanded by his noble Colleague, the noble Lord in the blue ribbon. His Lordship said he would, in two words, state his reasons for having no confidence in the Right Honourable Secretary: It was because nothing could be more opposite than his conduct and his professions; nothing more contrary than his practices now, and his principles repeatedly declared, while he was turning out that Minister with whom he now associated. He had formerly stood up the advocate of the Rights of the People; and the declared enemy of the Influence of the Crown. He was now aiming at a most inordinate increase of Influence, and trampling upon the Rights of Individuals. The Petition he held in his hand, his Lordship said, was a Petition from the Borough of Chipping Wycombe, against the present Bill; a petition which he should beg leave to present, though he stood not in any need of the instructions of his Constituents to induce him to oppose a Bill so infamous and detestable as that about to be read a third time. The Petition was accordingly brought up, and being read, was ordered to lie on the Table.

The Order of the Day was then read for the third reading of the East India Bill.

MR. HAMILTON, a new Member, and by appearance rather a young man, rose up to signify to the House, in the best manner he could, his strong disapprobation of the Bill that was now proposed for the third reading. I was not in this House, said he, when the principle of that Bill was first explained, nor at the time when a motion was made for its commitment. I take the first opportunity of protesting how much I disapprove it; and the first opportunity I have of expressing my sentiments in this House, if the Bill passes into a Law, may be the last of expressing myself with freedom to every Englishman. The Bill had set forth that the Company was in a state of Bankruptcy; but he apprehended that they could not be properly called Bankrupts, while their effects amounted to more than their debts; a fact which he said was undoubted, and of which an offer was made to bring evidence; and evidence was accordingly brought to the Bar. It was impossible, he said, to see these things without the deepest concern. The invasion of the Charter of the Company was but a prelude to the invasion of other Charters. Of this the People were abundantly sensible; and nothing but the mysterious manner, and the indecent haite with which the Bill had been hurried through the House, had prevented that table (opposite to the Treasury-Bench) from overflowing with Petitions. He thought it his duty to oppose his feeble voice to a measure big with destruction to the freedom of his country. He earnestly wished, he said, but he wanted words to convey his feelings to the Honourable Members of that House. On Placemen and Pensioners he did not expect to prevail; nor indeed with any Gentleman present, by the power of any words that he could command: But was it possible that independent Country Gentlemen would quietly sit still, and see the executive power torn from the Crown, and a Junta fortified in their power, at the expense of both the Crown and the People? He conjured them to reflect on the mighty power which the management of the Affairs of the East Indies would place in the hands of the Right Honourable Secretary of State: Two millions of money and upwards, besides the patronage which arose from the disposal of all places in the Government of our Asiatic Dominions. These were engines in the hands of an able and ambitious Minister, fitted to convert his borrowed power into a Dictatorship; and to counteract every effort of patriotism to redeem the independence of that National Assembly. The Honourable Secretary having now got what Archimedes only wanted, another world, whereon to set his foot, might govern Britain according to his pleasure.—Independent of the Crown and of the People, he would secure himself in power by his own *creatures*, and by that influence which so much gold, and so extensive a patronage would enable him to acquire over others. The example would be set, of transferring the power which the Constitution had vested in the Crown, to Parliament; and if a timely check should not be given to such attempts, the time would come when the King would be the GREATEST SLAVE in his Dominions. He professed, however, to entertain some confidence in the wisdom and virtue of the independent part of that House; or, if the Public Cause should be deferred by them, he hoped that the second branch of the Legislature, the noble Peers; and the learned Lords of this land, would interpose, as they had often done on great and trying occasions, for preserving the balance of the Constitution: But if there too the power of corruption should prevail, and an indifference appear to the Laws and the Constitution of England, still there was reason to hope, that He, in whose breast the happiness of his subjects was the first wish, and who was interested for the honour and

the prerogatives of his Crown, would resist the fatal torrent which menaced both them to the Rights of both Sovereign and People.—If *there* too, no asylum should be found for the injured and oppressed, the People, driven to despair, might proceed to an extent which he forbore to conjecture. Of this, however, he could assure the House, and it was a matter, he said, which was not, perhaps, generally known: Of this he could assure the House, that the Proprietors of East India Stock, in the case of being driven to extremity, were resolved to meet in a body, to frame a Petition descriptive of the unparalleled grievances under which the East India Company laboured, and to carry it to the Throne, praying for that protection which they had a title to expect from the Laws of their Country. They would resign their Charter and their effects in the name of Bankrupts, into the hands from which they received it, and claim, that their Creditors being satisfied in all just demands, the remainder of their goods might be restored to their possession.

He had often heard great praises bestowed on Mr. Secretary Fox, for the activity, resolution, and intrepidity of his conduct; but for his part, he saw little merit in being *daring* without *danger*. With so many friends behind his back, and obsequious to his nod, he might boldly look in the face of all that could oppose him. The Honourable Secretary, he said, having risen to the height he had attained, forgot his promises to the People, and kicked from under his feet the ladder by which he ascended. And, he added, that it was no uncommon thing to observe, that they who made the lowliest submissions in order to attain power, were usually the most severe and tyrannical in the exercise of it.—Mr. Hamilton made several other strictures on the East India Bill, on the Coalition, and the dangers that threatened this Kingdom from a powerful faction, fortified by the means of corruption.—He made use of such strong expressions, as tyranny, rapine, plunder, contempt of decency, law, and the sentiments of the Public. It will not be reckoned improper to have dwelt so long on the first appearance in Parliament of a young Gentleman who, we will venture to predict, will one day command the public attention.

About five minutes after Mr. Hamilton had begun his speech, Mr. Flood came into the House, and being a new Member, he took the oaths immediately. This incident did not discompose Mr. Hamilton. After Mr. Flood was sworn in, he resumed his argument with perfect composure.

Mr. Nicholls, a young Speaker, said, he rose in defence of his own character, not only to justify himself for having twice voted for a Bill against which so many harsh expressions had been used within those walls, but to state to the House those reasons which would induce him to give his vote a third time in support of the Bill that evening. He had heard many bitter terms of reproach applied to the Bill;—that it was a Bill of rapine and plunder, and a violation of the rights and privileges, not only of the East India Company, but as a precedent of encroachment on the rights and properties of all Englishmen. He affirmed, that the Bill took not away from the Company any thing to which they had a right. For, what rights did their Charter convey? An exclusive trade to the East Indies. That right they still enjoyed.—The management of their commercial concerns was committed to eight Assistant Directors of their own choice; and he was confident that they would now be so well managed, that they would appear to all the world to be in a better state than they ever were in, and that India Stock would rise within a very short time twenty per cent. The right of acquiring lands too, he said, was still preserved to the Company, in the same manner as estates might be acquired either by Companies or individuals; but the Company's Charter gave them no power over British subjects. In the Kingdom of Bengal, including the provinces of Bahar and Orissa, there were twelve millions of people subject to the Crown of Great Britain, and it was not fit that they should be governed by the servants of the East India Company.

That the East India Company were Bankrupts, Mr. Nicholls endeavoured to demonstrate by the following argument: A Bankrupt is not a person whose effects are not equal to his debts; but a Bankrupt is a person or character who is not able to pay his bills, and various debts, when they become due. The Company is in this predicament. They are unable to pay their debts at this present time.—Therefore, they are Bankrupts.—He proceeded to shew, that the Company had given no small ground of offence to Government, by the monopolies of the most valuable articles of trade; and by their contraband trade to China, particularly by smuggling opium to

that

that country: where its importation was a matter not of revenue only, but of policy. It maintained that the Company had thrown themselves inadequate to the task of Government; and that the Territorial Property they had acquired, only served to embarrass their affairs. Another argument, in favour of the Bill, was, that it would consolidate the British Empire, render it more compact, and call forth its power into actual energy, on any great or dangerous emergency.—The Empire was at present disjointed;—this Bill would unite and cement it. On the whole, when he considered the nature and spirit of the Company's Charter; the misconduct of the Company in various instances, and their present situation of Bankruptcy; the impolicy and impudence of submitting to their controul twelve millions of British Subjects; and the union and vigour which the Bill would bestow on the British Empire, and thereby raise its importance in the scale of Nations, he would cheerfully and cordially give it his support.

Mr. WILKES said he would not, as the noble Lord on the floor (Mahon) had done, call the Bill under consideration an infamous Bill, although, in his opinion, it well deserved that epithet; he would call it a swindling Bill, brought into the House upon false pretences. It was brought into the House on pretence that the Company were Bankrupts. This was the Preamble; this was the *Whereas* of the Bill. Upon that ground the Proprietors of East India Stock had joined issue with the Father of the Bill.—The honour, the good faith, the credit of Parliament, were pledged to the Company, and to the world, to pass, or to reject the Bill, according as it should appear that the Company were Bankrupts or no. After pressing this idea, in various shapes, on the minds of the Assembly, Mr. Wilkes proceeded, by a calculation of the ships, merchandize, and other effects of the Company, to shew, that their affairs were in no unprosperous situation: And on this topic he excited a general laugh, by observing, with great emphasis, that in estimating the wealth of the Company, the Right Honourable Secretary had omitted ships to the number of FORTY-FIVE. It appeared strange to Mr. Wilkes, that the learned Gentleman who had spoken last should affirm that he was a Bankrupt who could not pay his debts at the moment they became due. He needed not, he said, in an arch manner, looking towards the Treasury Bench, to go out of that House to prove the difference between a Bankruptcy and an Insolvency. If all debtors could pay their creditors, even with the advantage of indulgence in time, their creditors ought not, and indeed commonly did not complain. The East India Company, lately squeezed by Government, and obliged to advance largely for its exigencies, said now, "give us only a little time." Mr. Wilkes was surprized to hear the affirmation, that the Bill did not invade the Chartered Rights and Franchises of the Company. He insisted, that it transferred their property into other hands; and that by depriving them of the privilege of choosing their own servants and officers, it deprived them of their franchises. Every Chartered Company, in Mr. Wilkes's opinion, had cause to tremble. The cause of the Company was the cause of the Nation; and he hoped and believed they would do as they ought, to make it so. He professed a very high respect for the abilities of the Right Honourable and the noble Secretaries of State; the former he described as a person possessing the most wonderful flow of language, the happiest turn for argument, and a talent of saying the most plausible things that could possibly be said, on whatever side he chose to espouse, on any topic of Parliamentary debate. The latter he represented as conspicuous for his knowledge, and faculty of seizing on every circumstance in any discussion or argument that could make for his purposes; but above all, for his ready and inimitable wit. "I would to God," said Mr. Wilkes, "that I could, with equal sincerity and justice, praise the Right Honourable and noble Secretaries for their zeal for the *Liberties of the People*, and their veneration for the Constitution. Here he entered on a beaten path—a lamentation on the Coalition. In former days, he said, Mr. Fox (for it is needless, in reporting the Debates, to observe at all times the circumlocutory phraseology of Parliament) was the Idiot of the People. To him they looked up for salvation from the detested and dreaded Influence of the Crown. At that time he was wont to say, that he would not trust himself in the same room with the noble Lord now by his side; and to promise that he should not go unpunished; Yet he was now taken into full power—and the *Flagellum* and the *Hofspur*, both united, defied the world in arms. When the vote passed in this House, continued Mr. Wilkes, that the Influence of the Crown had increased,

and that it ought to be diminished, I was happy, and considered that as the most joyful day of my life, being convinced that I, and all the other subjects of the Crown, might enjoy the blessed protection of the Laws, without any one to make us afraid. I confess too, that from the same cause, I rejoiced when an influence, which I dreaded, was diminished, by being fixed from the necessity of nominating Thirteen Governors of Provinces in the Western World, Thirteen Deputy-Governors, Thirteen Courts of Justice, with a numerous train of servants, and a vast multitude of Custom-house Officers. But what is the loss of the patronage of America, compared with the acquisition of the patronage and the wealth of the British Possessions and Commerce in Asia? The conclusion which Mr. Wilkes drew from the whole of his reasoning and observations was, that it behoved every honest and upright Member of that House, and indeed every good Citizen, at this crisis, to make every constitutional effort for maintaining the *Independence* of Parliament, and preserving the *Liberties* of the People. Mr. Wilkes informed the House, that if the motion for the third reading of the Bill should pass, he would on a future day move, that all the officers and servants of the Company be excluded from Parliament. This, he said, would be putting Mr. Fox's professions of patriotism to the test.

Mr. JOHN LUTTRELL very candidly, but very fully supported the motion; he said he had given the utmost attention in his power to every material argument that had been used, either for or against the Bill, from the time that subject was first mentioned to the House, to the moment he was then speaking; and, upon considering the whole, he was decidedly of opinion, that the Bill should be read a third time, and ought to pass in the shape it was then perfected; but he did not much wonder to see some opposition follow it to the last, because he had observed, that no sooner did the Speaker shortly state the contents of those clauses that were to vest in certain Commissioners, since named by the Bill, the management of our East India Possessions, than it roused the fire of the statesman, and the envy of the politician; some Gentlemen, he said, seemed instantly to lose sight of the necessity and efficacy of the measure, in the jealousy which they felt, and which they expressed, at the influence it might give the Minister, who would have the nomination of the men. This he considered as the leading star of Opposition to the Bill; here he had seen the shoe of party to pinch to a degree, that some of its votaries were unable to bear with temper; but he did not think, either as an East India Proprietor, or as a Member of Parliament, sent there to guard the interests of the community at large, that he ought to be led away by the private interests of any particular party in that House. He approved the Bill as it was then completed, because it met his ideas, of what appeared necessary and proper for this country to do upon the occasion, and he was persuaded that it would ultimately tend to the honour of Great Britain, to the prosperity of the East India Company, to the gain and stability of all the Proprietors; for there was not two opinions in that House, but the noble Earl proposed to preside at that Board, and the Six chief Directors would be found much more equal to the governing our Territorial Possessions in India, than those who heretofore had the management of them; and it was generally agreed by the House, although a few Members dissented, that it would be extremely impolitic at the present moment to separate the Territory from the Commerce of India; if so, why then, as the Assistant Directors were all men of business and ability, it appeared to him that the whole arrangement of the Bill was perfectly judicious and right; for with respect to the Directors being Members of Parliament, the House would have the advantage of their presence to give information whenever it was sought for, and account for their proceeding, when required to do so. As for the alarm which some gentlemen expressed, and which they had endeavoured to imbibe the minds of others, that the patronage might give an undue influence to the Crown, or to the Minister, he verily believed it would not outweigh their just proportion of power in the constitutional scale, however it preponderated in the political one of those who had been Ministers, and might wish to be so again. He would freely confess, however unpopular it might be, that he never should think any man deserved credit for having been instrumental to reduce the power of the Crown to its present extreme; neither would he have boasted of it, as some gentlemen did, if he had concurred in the total annihilation of the Board of Trade. He said, the House seemed blinded to the bad consequences of that measure, by the party-violence of those times; but he feared they had been felt by almost every commercial man in this

this kingdom; it was a proposition which, he owned, appeared almost as strange to him, as what had been offered to the House for a preference to the Bill. Some gentlemen contended, that we should give up all our East India concerns into the hands of the Native Princes, and bid them be happy; but by consenting to that, they would in the same breath declare the East India Company bankrupt, with many of its connections. The framan, the artificer, the manufacturer, and labourer, must all hulk in one general ruin. Additional poverty and distress would pervade every part of this island. He then asked if the alternative proposed by a Bill of a learned Gentleman, and by himself personally, was much more acceptable; he thought not; for he desired to strip the language of the learned Gentleman, and that of his friends, of the flowers of oratory, and all its trophies, and see if the essence of it to common sense did not amount to this; We are ready to declare that the East India Company are incompetent and unfit to govern their Territorial Possessions in India; therefore we content that you should take them away; but we desire that all the patronage, all the controul, power, and management of their commerce, may be left, as heretofore, in the hands of the Directors—he said, for what, for the benefit of the Proprietors? No. For the benefit of their own political convenience? Yes. For the learned Gentleman declared, and his friends declared, that they would arrest out of the hands of the Court of Proprietors, all power and controul over those Directors; and then the Patronage, the Secret Influence, and the Public Power, given by other Acts of Parliament, must all center with the Minister of the day; and whatever conduct those Directors might observe or abet, the Court of Proprietors should have no power to call them to account for.

Things appearing to him to be so, he would beg leave, of those evils offered him, to choose the least; and as it had been adjudged constitutionally necessary to take from him the management of that property, he was sure his preference was right, when he accepted the terms of the Bill, because the faith and the honour of the Secretary of State that produced it, the faith and the honour of all those Ministers with whom he drew, that of the noble Earl who was to preside in the direction, and of the Six other Chief Directors, were all pledged to do the best they consistently could for the benefit of the Company; and he did not doubt but the effects of the Bill would be an increase of their credit, and of the value of their stock.

He had heard it said more than once in the course of the business, that in the multitude of counsellors there was wisdom; he begged leave to repeat it, and to apply the observation thus: What effect had the Call of the House upon that Bill? An increase in consultation of a multitude of Counsellors on its merits, and he had the evidence of the last division to shew, that the more they were considered, the better they were approved; he had no doubt but they would continue to be so by all dispassionate men; for he was persuaded, that the Bill promised much in the present situation of the East India Company's Affairs, and in the necessity of reform, to bring advantage to Great Britain, to the Company, and to the Stockholder. As an humble representative of the former, and as making one of the latter, he thought his thanks were better due to the Right Honourable Secretary, who had produced the Bill, than either to those gentlemen who would give the property to the Indian Princes, or to the learned Gentleman and his Friends, who would leave them little more than the name of it. Under these circumstances, therefore, he cheerfully concurred in the Bill being read a third time, and would certainly give his vote for its passing into a law.

Mr. W. GRENVILLE apologized to the House for taking up their time on the present question, after having fully delivered his sentiments on the Bill before them on a late occasion. The increasing majorities which had been mentioned by Mr. Luttrell with exultation and triumph, were to him a subject of serious alarm. He felt it to be his duty to express his apprehensions, and to call on all the virtue and independency of the House, to oppose the advances of oppression and tyranny. It had been said, that the clauses in the Bill, which seized on the property of the East India Company, and deprived them of the choice of their own officers and servants, were, nevertheless, no infringements of *Magna Charta*. But if so, he had not read and understood *Magna Charta* as they had done. Here he read a passage from that *Great Charter*, in which it was clearly expressed, and with a solicitous and jealous variety of expression, that no person should be "disseized of his goods, franchises, &c. and that in all cases the laws should be the umpire between the Crown" and

and the subject, as well as between man and man." He then said, and repeatedly, that he regretted so improper a person as himself had been sent to maintain the rights of the people in Parliament, if he so far mistook the meaning of *Magna Charta*, as to suppose that it consisted with a Bill for violently seizing the property, and annulling the franchises of any individual, or any society. He viewed the Bill as equally an attack on the prerogative of the Crown, and the liberties of the People. And he considered it as a matter of deep apprehension and regret, that the natural constitutional influence of the executive parts of the constitution, should be mixed and confounded with the assumed power and unconstitutional encroachments of a faction in Parliament. The Parliament, he saw, might in time recover itself, but all infringements on the prerogative of the Crown, he shewed from history, to be full of danger. The Right Honourable Secretary had, on a former day, endeavoured to remove all suspicions of his tyrannical design in the present Bill, by holding up to the public, pledges for the sincerity of his intentions, and the uprightness of his future public conduct. What he had said on that day was to this effect: "I am not a man to be trusted—my character is not such as to be above suspicion of craft and design; but there is the Chancellor of the Exchequer, there is the Duke of Devonshire, and the Duke of Portland, if you will not trust me, trust them, or trust me for their sakes." Mr. Grenville allowed all these to be honourable men; and of Lord John Cavendish in particular, he said, that he was sure that he was *once* a friend to the rights of the people; yet all these pledges, in the opinion of Mr. Grenville, might prove insecure barriers against the prevailing power of a faction possessed at once of the power of Parliament by means of corruption. Mr. Fox said, on a former day, that if he was to be considered as the General of an Army, it ought to be remembered, that the right wing of that army was commanded by Lord John Cavendish; and that his friends and relations were the principal officers of it. Be it so; but the left wing was commanded by Lord North, the very man whose conduct had been so lively an object of detestation to the Right Honourable Secretary formerly, and to whom he had to often imputed the loss of America. Mr. Grenville recapitulated the dangers threatened by the East India Bill, and earnestly entreated all friends to liberty to stand forth on the present occasion in its defence. He said, that however the fate of that important day might be determined, he would console himself with the reflection that he had exerted every nerve to avert the dangers, and to protract the ruin of the liberties of his country.

General BURGOMYRE said, that he had been two years a Member of the first Committee on the Affairs of the East Indies, and that he rejoiced exceedingly in the prospect of a remedy for those excesses and miseries which he had so often in vain deplored. He had crossed the Irish Channel, and performed a journey of three hundred miles by land, that he might do his duty, and enjoy the satisfaction of giving his vote in favour of the Bill before them. He had not been present in that House when the Bill was first moved, explained, and discussed. But he read with satisfaction, in the public prints, that the necessity of doing something for India, that the necessity of interposing for the preservation of the advantages accruing thence to Great Britain, as well as for the happiness and the protection of the natives, was admitted without exception on either side of the House; and, he understood, with no less satisfaction that an Honourable and very respectable Member of that House (Mr. William Pitt) had called on Ministry with great eagerness to provide for the safety of India effectually and speedily. He had repudiated all half-measures, all lenitives and palliatives, and strongly recommended a medical cure; but, in his mind, a greater inconsistency, a more direct contradiction in its terms could not possibly be imagined, than that which subsisted between an effectual remedy for the abuses and cruelties that were committed in India, and an inviolable adherence to the Charter of the Company. A noble Lord (Mason) had said, that he would express his objections to the Bill in two words. For his part, he would declare the reasons of his approbation of it, in one word, "Look into your Records," the Records of the Company, the Reports of the Secret and Select Committees, had been too much neglected. In all the debates on the subject in question, he had not once heard them appealed to. The General observed, that if enquiries were continually to be made, but no effectual step taken for bringing the delinquents to punishment, crimes would be increased instead of being diminished. The Com-

pany's servants by their factions and intrigues abroad, and their cabals in the Court or Proprietors, would continue to set all Laws and Government at defiance. The crimes that appeared on the Journals of India Affairs in 1772, appeared very small on the 1st of 1781, when compared to those committed of late, and particularly these last years.—The clashing powers of the Directors and Proprietors had weakened the Government of India; and the Company's servants had learned, that they might do, just as they pleased. It had been said, that his Honourable Friend near him (Mr. Burke) had given a deep colouring to the enormities committed in India, by the partial views of party; and by the power of his eloquence. But all the powers of language which he possessed; all the liveness of fancy, and the amazing copiousness and charm of imagery, which distinguished him above every other man, were unable to heighten or come up to the reality. Here the General entered into a description of the oppressions and cruelties committed by Europeans in Asia. All that the Gentoo held sacred, they violated without remorse; and, as if they delighted in human misery, they invented new species of torture, the inhuman lust of gain steeling their breasts against every feeling of compassion. Here, with infinite happiness, he quoted and applied a passage from the descent of *Æneas* into *Tartarus*, as described in the Sixth *Æneid* of Virgil. One of the characters in those gloomy mansions, Gen. Burgoyne produced as an image and example of these *Nabobs*, as they are called here, who, in the Company's service; amidst fortunes from the vials of the natives of *Hindostan*.

*"Vendidi hic autro patriam; domitunq; potentem
"Impar: Fuit leges pretio atque ipxit.
"Hic thalamum intravit nate, vestitusq; hymenæos.
"Aust omnes crimine refect, quosq; potit.
"Nun, mihi si linguae centum sint, usq; centum,
"Terrea vix, omnes scelerum comprehendere formas,
"Omnia paratarum percurrere nomina possum."*

[As all our Readers may not be versant in the Latin tongue, we shall subjoin a translation of these verses, which may serve to display the felicity of General Burgoyne in this quotation].

"This man sold his country for gold, and subjected it to a powerful tyrant. He made or abrogated laws, as he was bribed to do either. He violated, without scruple, the honour of virginity, and the sacred marriage bed. All (the character the poet describes in this place) of them committed the most atrocious deeds; and they enjoyed the fruits of their daring wickedness. Not although I had an hundred tongues, an hundred mouths, and a voice of iron, could I describe every species of their crimes, or recount the names of all their various punishments."

The General, in concluding, desired, that while Gentlemen talked of the Bill being a violation of a Charter, they would bear in their minds, that it was the salvation of India. He rejoined, that the Bill was brought into the House, and that the glory of bringing it in fell to the lot of his Honourable Friend Mr. Fox.

Mr. MARTIN congratulated Mr. Fox on having formed, and met with so great success, in a Bill that was likely to establish his power on the ruins of public liberty. He read over a part of the Charter, which conveyed, in the simplest manner, various property, rights, and privileges, to the East-India Company. He also read a passage from Lord Clarendon's History, very applicable to the venality and corruption of the times, and glancing at the encroachments of a Junto in Parliament on the prerogatives of the Crown. He admired the dexterity of Mr. Fox, who would contrive to make himself independent of both the Crown and Parliament. He hoped that one good effect of the Bill would be the total expulsion of the English from India; and that the poor Gentoo would be left to themselves. It was commonly said, that, supposing the English should abandon their Asiatic territories, other European nations would take possession of them, and thence derive great advantages in trade; this put him in mind of a story that was told him, of two Gentlemen taking a ride one evening across Hounslow Heath: A highwayman came up to them, and demanded their money and watches, adding, very courteously, that he should be sorry to trouble them if he thought that they should possibly escape being robbed, and that in a very few minutes, by some other person. He also congratulated Mr. Fox on his great

Majorities. He thought a tax on all persons voting with the Missional majority would be an exceedingly proper one; and no wonder it would not fail on the point. He happened to meet on the street, a few weeks ago, with a neighbour, the name of whom we understood Mr. Martin, a banker. This gentleman used to rally him upon his jealousy of Ministers, and all that. But upon his asking him, on this last occasion of meeting with him, how he liked the India Bill? He shook his head, and said, "It is all over with us!" It is needless to add, that Mr. Martin was strongly against the Bill.

Mr. SCOTT alluding to certain insinuations that, agreeably to the common conduct of lawyers, he would not scruple to espouse any cause which he should be paid for defending, reprobated, in the warmest terms, such unworthy insinuations: He asserted the probity, sincerity, and reluctance of his nature to such practices. He apologized to the House for taking up their time, assuring them that he would not trespass on their patience, but on occasions which he should deem in the highest degree important. Such he deemed the present, and he therefore thought it his duty to deliver his sentiments upon it, the solemn sentiments of his heart and conscience. He delivered a very able discourse, with great regularity of method, and subtilty of argument; and he enlivened the whole with occasional sallies of a very agreeable humour. We pretend not, by any means, to do justice to this, any more than to any of the other Speakers, in the cursory views we take of their speeches. His discourse naturally divided itself into three parts. In the first part he laboured to show, that there was not any necessity for the Bill; in the second, that it contained not any provisions of sufficient importance to justify so strong a step as was taken by Government; and in the third, that the Bill would increase, beyond all bounds, the influence of the Crown. Mr. Scott was not of opinion that Parliament ought not, or could not, do any safe whatever, violate a Charter. The safety of the community, according to the maxim, *salus populi suprema Lex*, might render it the duty of Parliament to interfere in certain cases. But this was none of them. Neither did he think, that from the present interference of Government in the affairs of the East-India Company, the other Chartered Societies in the kingdom had any reason to conceive any apprehensions. There was an incident of nature and circumstance which established a very essential difference between the East India Company and every other Chartered Society. That circumstance was their Territorial Property, and their Imperial Power. But still, he contended, that no necessity had been shewn for violating the Charter of the Company in the present situation of affairs. The Company were not Bankrupt. The measures proposed were no other than a disfranchisement of the Company, and a confiscation of their goods in the hands of seven Commissioners. Here Mr. Scott, after a proper apology for alluding to any thing recorded in sacred writ, read some verses in different chapters of the book of *Revelation*, which seemed to express the intended innovations in the affairs of the English East-India Company. "And I stood upon the sand of the sea, and saw a beast rise up out of the sea, having seven heads, and ten horns, and upon his horns ten crowns. And they worshipped the *Dragon*, which gave power unto the beast; and they worshipped the beast, saying, who is like unto the beast? Who is able to make war with him? And there was given unto him a mouth speaking great things; and power was given unto him to continue forty and two months. [Here, said Mr. Scott, I believe there is a mistake of six months.] And he causeth all, both small and great, rich and poor, to receive a mark in their right hand, or in their forehead.

[Here places, pensions, and prerogatives, are clearly marked out.]

And he cried mightily with a strong voice, saying, Babylon the Great [plainly the East-India Company] is fallen, is fallen, and is become the habitation of devils, and the hold of every foul spirit, and the cage of every unclean bird. And the merchants of the earth shall weep and mourn over her, for no man buyeth her merchandise any more; the merchandize of gold, and silver, and precious stones, and of pearls, and fine linen, and purple, and silk, and scarlet, and all manner of vessels of ivory, of cost precious wood; and cinnamon, and odours, andointments, and frankincense, and oil, and fine flour, and wheat, and beasts, and sheep, and horses, and chariots, and slaves, and souls of men. And the fruits that thy soul lusted after are departed from thee, and all things which were dainty and goodly are departed from thee; and thou shalt find them no more at all. The merchants of these things, which were made rich by her, shall stand afar off, for the fear of her torment, weeping

ing and wailing, and saying, Alas, alas! that great city, that was clothed in fine linen, in purple and scarlet, and decked with gold and precious stones, and pearls! for in one hour to great riches is come to nought. And every ship-master, and all the company in ships, and sailors, and as many as trade by sea, stood afar off, and when they saw the smoke of her burning, saying, What city is like unto this great city? And they cast dust on their heads, and cried, weeping and wailing, saying, Alas, alas! that great city, wherein were made rich all that had ships in the sea, by reason of her costliness! for in one hour is she made desolate."

The reading of the above, as may be imagined, kept the House in a roar. Mr. Scott, also, in the course of his speech, quoted the speech of Brutus, who, speaking of Cæsar, says,

— He would be crown'd —

How that might change his nature, there's the question.

Mr. Scott observed, the violence with which Ministry attacked the Rights of the Company was greater than that of General Warrants, which were happily got the better of some years ago. For these alleged a *cause* of violence. But the Bill against the Company alleged not any special act of delinquency. He said that acts of power against law had been borne, and might be expected to be yet borne, in this country: But acts of power against law, supported by the judgments of lawyers and judges, the country never would bear. On this subject he quoted a passage from the judicious and profound *Timothy*, who remarks, that *injustice* is more irksome to men than violence: Because injustice, seeming to come from equals, provokes indignation; but *violence* is endured as a matter of inevitable fate or necessity. He reflected here on the conduct of the Parliament about the middle of last century, when they were anxious to get up the Charters from the Burghs.—He also reflected on the Parliament taking the command of the militia out of the hands of the Crown, which was a prelude to a war of twenty years. It had been said, that matters had been grossly mismanaged, and that many enormities had been committed in India. But whose fault was that—the fault of the Directors, or of their servants in India? The Directors, as was confessed, had always transmitted for the direction of their servants abroad, the purest system of ethics? Why was not that system carried into execution?—This was owing to the wickedness of their servants, not to any defect in the constitution of Government. The accomplices in the imprisonment, and misfortunes of Lord Poot, had been brought to justice by the Proprietors, before the Court of King's Bench; and so might other delinquents. But if the power of the Directors be too small, give them more. He desired that it might be considered, what there was of alteration in the law, or the degree of power possessed over the servants of the Company, but only of the persons who were to inspect their conduct. The effect of this new institution of a Court of Directors was yet doubtful; even they might be found inadequate to the distant government of India. *De se fabula narratur, not even mutati nomine.* The bankruptcy of the Company was a matter which was at least doubtful, and time ought to be granted for enquiring into it. He repeated that passage in Othello, where Desdemona cries,—“Kill me not to night, my Lord! Let me live but one day,—one hour!”—His prayer was rejected, and repentance succeeded the fatal deed.—It has been said, that the affairs of the East India Company are safe, being entrusted to the care of respectable Commissioners. I like not the idea of their being responsible to men that appointed them, and the rather, that the men are themselves responsible for their conduct. The responsibility of the former will secure the latter, and place them beyond all responsibility. If it was right, continued Mr. Scott, to vest the power of nominating the Commissioners in the Crown, why not vest that power in the Crown *ab initio*? If it was right that it should be placed in Parliament, why not continue it? It had been observed, that the Crown had in reality enjoyed the power of directing India affairs, through the medium of the Proprietors. If so, why should not the Ministers of the Crown take a share of the blame for the misconduct of those affairs. It was a new thing, Mr. Scott observed, to see the very persons who had objected to the Act of 1773 as a precedent for encroaching on the Rights of Chartered Companies, now quoting that very Act as a reason for supporting the Bill under consideration. It was thus that one precedent begot another, and that the beginning of evil was as the letting out of water. The great plea for taking the power out of the hands of both the Proprietors and Directors was, that they clashed with one another. But would it be said, that when two co-

quicker one, in the year 1773, as he thought; that if the noble Lord *protested against* *it*, he must *form* against this.

Sir Richard then said, he must beg to take a leap back to the title of the Bill, which sets forth, that it is “*A Bill for vesting the Affairs of the East India Company in the Hands of certain Commissioners, for the Benefit of the Proprietors and the Public*.”—“Let us now see (said Sir Richard) how this spacious title agrees with “the real fact.”

The Parties supposed to be benefited are the *Public* and the *Proprietors*: But as the Court of Directors begged by their Counsel, that they *might* be accused, so both the *Public* and the *Proprietors* have intreated, that they *might not* be benefited.

Perhaps they could not form a better judgment of the *benefit*, which the *public* think they are to derive from this Bill, than by considering that the City of London had actually petitioned, that they might be excluded from any of these *benefits*. And with regard to the *tax* *populi*, or the public in general, we could not look without doors, without hearing the Bill, and the authors of it, execrated on every side; and this, notwithstanding a tribe of hiring newspaper scribblers endeavoured to gild the world into a belief, that the Bill was both popular and salutary. One Proprietor in particular, so upright, as honest, as independent a man as ever dignified a stall in St. Stephen's Chapel, and no man filled it with a better grace, was so fearful on the *benefit* which might accrue to his 4000*l.* India stock from this Bill, that he addressed the House against it, with a feeling and a pathos, which Sir Richard said, he hoped, would have got a dozen votes, that it might not pass.

As therefore the *title* and the *Bill* were at such irreconcilable variance, that there was no forming a *Coalition* between them, (though some gentlemen might think, that as great contraries in nature had sometime *coalesced*) he should beg leave to move, that if the Bill passed that House, it might be printed with the following *amended Title*:

“A Bill for most unjustly, violently, and forcibly wresting the Affairs of the East-India Company out of the hands of the present twenty-four Directors, and for placing them in the hands of certain new Directors and their Selves. Also for strengthening the Influence of his Majesty's present Ministers; and for clearing the way for the total abolition of several useless Charters yet existing in this Kingdom; and for affording a speedy provision for several respectable friends, jobbers, and adherents of his Majesty's present Ministers; which friends, jobbers, and adherents, are now labouring under the most necessitous circumstances, and very importunate to be relieved.”

He had only to add, that if the Right Honourable Secretary would consent to this trifling *amendment* in the Title of the Bill, which he thought quite sufficient to make it perfectly consistent with the principle of the Bill itself, that he would not only divide with him that evening upon the question, but should feel the highest satisfaction in making one of his taste, when he carried it up to the Lords Spiritual and Temporal.

Mr. Anson refused what Mr. Hill had said about scribblers, and made a very able speech in defence of the Bill, which had more reasoning and argument in it than any speech that has been spoken in support of the Bill, except those by Mr. Secretary Fox, Mr. Erskine, and Sir Grey Cooper.

Lord Mulgrave opposed the Bill, and contended chiefly against it on the ground, that the new powers introduced by the Bill, in the form of influence delivered into the keeping of the Minister, threatened the utmost danger to the Constitution. His Lordship said, it was agreed by all good writers, that if ever the Constitution was ruined, it would be by the introduction of new powers, that did not naturally belong to it. His Lordship pushed his argument so far, as to declare it trenchant upon the prerogative so much, as to render it not improbable, that upon similar grounds the Crown might be declared useless. [A cry of Order, Order] Lord Mulgrave asserted that he was not out of Order; he had a right to urge the extremest possible consequences, in support of his argument. His Lordship said some severe things against Mr. Fox, but declared he did not dislike the Coalition; he thought the situation of the Country required a junction of talents; he wished their basis, however, had been broader; that no body had been prescribed, but that men of abilities from all quarters had been taken in to serve their Country, at a moment when it stood so much in need of great assistance. With regard to Mr. Fox, he said, he ought always to be in power; his

his superior talents entitled him to such a situation,—at least, he was sensible, that when out of power, he did him no mischief.

Mr. Powys would hardly take up the attention of the House, farther than to enter his protest against the measure which Gentlemen were pursuing so inconsiderately, and at so great a hazard. The Ministers, he found, were nothing more than common men, and they needed to be watched closely. The present Bill had fully convinced him of the expediency of such a restriction. He beheld, with sorrow, the disfranchisement of the Chartered Right of his countrymen; he foresaw the anarchy and misery into which the nation was pretently to be plunged:—And what alarmed and distressed him beyond all things, still was, he perceived, that he and many of the independent Members of that House, were spurned and trampled under foot. But he thought that was but a poor triumph to their adversaries. He could not submit to such treatment without expressing indignation; and he was comforted by the consideration, that those who suffered the same indignities with him, were Gentlemen of the first reputation, for integrity and honour. He adhered to the term which had been voided in the continuance of the power of the new Directors. To that period he had no objection; but he begged to know to what the power of nominating was thereafter to belong?—He held up the Superior Directors as invested with more power and authority than they knew how to use; and the inferior Directors are beneath all consideration. Their authority was contemptible; it was but the shade of the departed honour of the late Directors, and in every respect insignificant, and carrying above it such signatures of infamy and disgrace, that no one of that description was, in his opinion, a proper person for being admitted to the honour of a Parliamentary seat. Mr. Fox, he said, had deceived him exceedingly,—his professions of disinterestedness and zeal for the public good, had inclined him to hope for measures that would justify his professions; but he had hoped in vain. The Honourable Gentleman still continued to avow the purity of his principles, and to bid his deluded countrymen trust to his sincerity; but for his part, he was not to be caught by his fair promises. It was a maxim with him to judge by *measures*, not by *men*, and by that rule he meant to try all the abettors of the present enormous Bill. This Bill aimed a mortal blow at the independence of the Representatives of the subjects of Great Britain: they might still retain their seats, but freedom of sentiment and speech, the glory of Englishmen, and of English Members of Parliament, were no more.

Mr. Fox rose, not so much to remove the unfavourable opinions Gentlemen had of his conduct as a Minister, as to wipe off the infamy and reproach they had, in the course of that debate, been pleased to cast upon his reputation as a man. He thought he had been very unhandlome treated.—It was not enough that Gentlemen had allowed him no goodness, no virtue, no merit whatever; they had ascribed to him many positive defects, and had expressed their malice; for he would call it nothing but malice, with all the virulence and all the malignity which fancy could invent. There was one circumstance of crimination which he took exceedingly ill. An Honourable Gentleman (Mr. Powys) had charged him with a species of delinquency which touched his feelings more than any other, because the only principle from which it could flow, was a principle the most opposite of all others to those by which he was actuated. That Gentleman had said, that in confidence of the great majority which Ministry had in that House, he had misled the weaker party—in his own words, or something like his own words, *trampled over* the injustice of independent Members. It was, he said, a cruel insinuation; and it was as unjust as it was cruel.—It supposed him guilty of a crime which he never was capable of conceiving; and it plainly declared, that all his professions of candour, of disinterestedness, and of attachment to the sacred rights of mankind, were nothing but words, delusive words, framed for some other purpose. He desired, that the Honourable Gentleman who had spoken of him with so much freedom, might be assured, that no expressions that had ever fallen from him, ever were meant to him. He did not know that ever he had said any thing personal; if ever he had, it was aimed at those important Members, who are so fond of their own conceits, and who think every thing they utter should be received as a law. He was not certain that he had not some time or other spoken with that intention; but to blame the Honourable Gentleman who seemed so much chagrined, would have been among the last things that would have struck him. His virtue, his patriotism, his commendable zeal, all

conspired to forbid any such impeachment. The Honourable Secretary were observed, that Gentlemen had that night discovered uncommon warmth in the cause they were engaged in. They had been very earnest to thwart and oppose his wishes.—They had also shewn skill in the mode of their attack on him: They had placed a learned and eloquent Member (Mr. Scott) in the front; and he had certainly acquitted himself ably. But he was not yet overthrown; he trusted to the goodness of his cause, and the support of his friends, for success.

A noble Lord (Lord Mulgrave) had said much on the imminent danger that had been brought upon the state, by the accession of influence which the Crown was about to receive. That noble Lord, and almost every other Gentleman that had spoken, had deprecated that influence, and at the same time had beheld with astonishment, the change of principles which sensibly appeared in him (Mr. Fox) in all his late proceedings; but he would easily satisfy them, if they would be satisfied, of the groundless nature of their fears in the first instance, and of their deception in the other. The influence they so much dread, he said, is not an influence that will revert to the Crown; it may revert to the Crown; that is not impossible; but it is more likely to return to the independent Members of the House; to those very Members, of grasping at whole indisputable rights I am now accused—but falsely accused. Respecting the change of my principles, I declare that I am sensible of no such change; there is none such taken place: At this very moment I possess the same jealousies of the Rights of the Parliament, and of the People; and I watch with the same circumspection that ever I did, every degree of undue patronage or influence which the Crown may acquire. When I went into office, the power of the Crown had been diminished; the different powers in the State were pretty equally poised; that was a state I wished to see them in, and it is a state that they shall always continue in, if my best exertions can effect that desirable object. With regard to the bankruptcy of the Company, the learned Gentleman (Mr. Scott) who has said so much, has told us that the statement of another learned Gentleman, who is now absent, was such and such, and that he had advanced such stubborn facts, that nothing could resist them. Is it fair thus to combat one, with the opinions of a man who is not here to give his reasons? But this is the way, the unfair way by which I am attacked—every Gentleman on the opposite side of the House has sent his terrors in array before me; but I am not to be terrified. I understand their terror; and if I give it its proper appellation, it is nothing but envenomed malice. Mr. Fox observed, that his Bill had been violently opposed in all its stages; but it stood on so secure a basis, and, what some Gentlemen might wonder to hear him say, it was so popular, that he would not be afraid to trust its issue to the decision of the Public.—It had been absurdly said, that the present Bill both increased and decreased the power of the Crown. In God's name, said he, what power of influence does my Bill take from the Crown, that it possessed before? Or what power does it add, that it did not possess before? The Bill takes no influence from the Crown; but it adds a good deal to Parliament; and if it be doubtful in any of its tendencies, it is parliamentary duty to select it carefully, and to try to correct its defects. The Right Honourable Secretary concluded with asserting the rights of the independent Members; and with declaring, that to deprive them of any, should be the last action of his life.

Mr. POWYS reminded Mr. Fox of some of his former declarations; which seemed to convey the idea of inconsistency in some of his actions.

Mr. SCOTT desired to know by what authority he was so subjected to the controul of Mr. Fox, that he could not deliver his sentiments at the beginning or end of the debate, as he himself should think proper.

Mr. ERSKINE desired to know of Mr. Scott, in what part of Mr. Fox's speech that Honourable Gentleman had attempted to impose any such controul on him.

Mr. W. PITT made some remarks on the *personal character* and *political connections* of Mr. Fox. He said, the Right Hon. Secretary made his powerful and generous connections responsible for all his actions. He shewed to Mr. Powys the manner in which he supposed Mr. Fox wished to treat the independent Members of Parliament. He bewailed in very lofty strains the deviation, the very remarkable deviation, the partizans of a late noble Marquis had made from his upright principles; and he pitied a noble Lord, and some others, who had been so inconsiderate as to embark in the perilous ocean of politics, with men who were likely to corrupt

pose them. He had a fresh touch at the Coalition; and prophesied, in very positive terms, of the disastrous events which the event of that night's debate was about to precipitate on the nation.

THE ATTORNEY GENERAL reprehended Mr. Pitt for his personality; defended the Bill strenuously, and argued it on its several grounds, necessity, influence, and expediency. He declared he was as much an enemy to the Influence of the Crown as ever, and said, if the new influence so much complained of in the present Bill, had been given to the Crown, he should have been against it. He passed an eulogium on Mr. Fox; said that he did not care a rush for his office, and that Mr. Arden should have it the next day, if it were not that his holding it were necessary for the support of his Right Honourable Friend. He urged the folly of talking of the sacredness of Chartered Rights, when so great an object depended on their violation; and asked, what was the consideration of a skin of parchment, with a waxed seal at the corner, compared to the happiness of thirty millions of subjects, and the preservation of a mighty empire?

MR. ARDEN retorted on the Attorney General for his reprehension of Mr. Pitt for personality, and reminded his learned Friend of his having said within those walls, within a very few months past, that the man would seal his own damnation, who should give a vote for a particular question, before the House at that time. Mr. Arden declared, he had given his vote, notwithstanding his learned Friend's anathema, but he did not believe he had incurred the perilous predicament alluded to. Mr. Arden told his learned Friend also, of the strong and pointed language in which he had been used to speak of the Earl of Shelburne. After this Mr. Arden went into a recapitulation of arguments against the Bill, and produced an entry of a debate upon the institution of a Militia in former times, to shew how analogous the language about the Influence of the Crown, then held by the King's Solicitor, was to that now held on the other side of the House.

MR. ARDEN talked of the vast effect the new influence might have on Mr. Fox, to whom he was at present ready to subscribe, as a man of unmoved integrity. He quoted again the two lines cited from Shakespeare's Julius Cæsar, by Mr. Scott, and meant to have added the fifteen following, but quoted them rather imperfectly; they are as follow:

He would be crown'd—
How that might change his nature—there's the question.
It is the bright day that brings forth the adder;
And that craves wary walking; crown him—that—
And then I grant we put a sting in him,
That at his will he may do danger with.
Th' abuse of greatness is, when it disjoins
Remorse from Power; and, to speak truth of Cæsar,
I have not known when his affections sway'd
More than his reason—But 'tis a common proof,
That hov'linefs is young ambition's ladder,
Whereto the climber upwards turns his face;
But when he once attains the upmost round,
He then unto the ladder turns his back!
Looks in the clouds, scornful the base degrees
By which he did ascend: So Cæsar may;
Then last he may, prevails —————

MR. WILBERFORCE opposed the Bill, and attacked Mr. Fox, charging him with having lost the confidence of the country by joining the noble Lord in the Blue Ribbon. Mr. Wilberforce concluded his speech with a quotation from Milton; that passage in which the fallen spirit is addressed.

MR. RIGBY said, he had neither furnished himself with a quotation from Milton, nor a quotation from Shakespeare, which he had not expected to have met with in that day's debate; nor, what was more extraordinary, had he expected to have heard a quotation from Scripture through the mouth of a lawyer; but yet he had furnished himself with a few arguments in defence of the Bill. Mr. Rigby then, in his usual, plain, magis, common sense mode of reasoning, proved that the Bill

every way justifiable. He said, he had been on a Committee of East India Regulation long ago as the year 1772; that at that time they saw enough to make them think that a Bill of Regulation was brought in and passed the next year. He declared it was a little surprized how those who supported that Bill, could have the inconsistency to oppose this. With regard to all that had been said about *Chartered Rights*, and Confiscation of Property, it might serve for the moment; but even in their best senses must regard it as a mere bugbear, to frighten children. The *Charter* of the Company was violated in 1773; and so it must be again; or all pretence to reform must be abandoned. Mr. Rigby declared; he had rather have with the new Influence which he acknowledged must indispensably be created; had been given to the Crown, but he was persuaded it was safe, where it was to be lodged; and he assigned various reasons for entertaining this sentiment.

Mr. JENKINSON started his old objection of the Bill's creating a new Executive Government within the realm, independent of the Crown. He also reminded the House, that the Bill would commit this Country for all the debts that now were or might become due in the East.

Mr. DUNDAS rose to rescue his Bill of the last year from the charge alledged against it, of giving Earl Cornwallis despotic power, because the Crown had, under that Bill, a power of recall at its pleasure. Mr. Dundas said, the Bill had brought him up 400 miles, as well as the Honourable General over the way; but he was determined to oppose it as highly unconstitutional; having said this; he went over his observations of last week again, and insisted upon it, that the appointment of a Secretary of State for the East Indies would have been more eligible.

Mr. SHERIDAN, in an animated and pointed speech, replied to the Lord Advocate; went through the principal parts of his Bill of last year with him, and proved that the despotism it clothed Lord Cornwallis with was so plain and palpable, that he declared, he wondered how the learned Gentleman could keep his countenance, when he seriously insisted upon it, that his Bill was not equally dangerous in point of creating Influence and Arbitrary Power, and in regard to invasion of *Chartered Rights*, with that of his Right Honourable Friend. It was in fact, Mr. Sheridan said, ten times more so; and that if it had not been so late an hour of the night; he would then have proceeded to prove it was so. This serious part of his argument over, Mr. Sheridan came to the more pleasant part, and took up the several quotations of Mr. Wilberforce, Mr. Arden, and Mr. Scott, foiling them each at their own weapons, and citing with the most happy ease and correctness, passages from almost the same pages, that controverted their quotations, and told strongly for the Bill. He quoted three more verses from the Revelations, by which he metamorphosed the beast with seven heads, with crowns on them, into seven Angels, clothed in pure and white linen. One side of the House were extremely entertained with the turns Mr. Sheridan gave what he quoted.

Sir GEORGE HOWARD, said, he should vote against the Bill, but declared, as he was a man of honour, from no other motive, than from not being able to reconcile himself to the principle of the Bill.

Sir CEDIL WRAY gave a few short reasons, in his plain way, against the Bill, honestly declaring he could not vote for a Bill, which he conceived to be founded on injustice and oppression at home, under pretence of holding out protection to the unfortunate in India.

The House growing extremely clamorous, and calling for the question so vociferously, that Sir Watkin Lewes, who was upon his legs; could scarcely be heard,

Albion TOWNSEND rose, and spoke to Order. He called upon the Speaker to enforce regularity; and declared, if he had not authority enough to keep the Assembly in order, so that every Member might be heard; that House would be a mob, and not a Parliament.

The SPEAKER rose to desire the House would be orderly, and declared, that if Gentlemen imagined, by creating a confusion and clamouring for the question, they would shorten the debate, his long experience in Parliament, and his acquaintance with the effect such endeavours generally produced, enabled him to assure them, that they took the most unlikely way in the world to attain their end.

Sir WATKIN was then heard for a few moments distinctly, but the cry for the question becoming again prevalent,

Mr. Alderman TOWNSEND once more rose up to insist on order. He said, the question was one of the most important to the State that ever came under their cognizance, and that the mode of endeavouring to smother it was worthy of the measure; but that the purpose of the other side of the House should not be answered that way; for he would sit there till that day fortnight, sooner than submit to such an attempt to defeat discussion. He added, that several very respectable Gentlemen wished to offer their opinions upon the Bill, and they ought to be heard.

Sir WATKIN then proceeded to state his objections to the Bill, and declared, that his constituents in Common-Hall assembled had instructed him to oppose it. He should therefore not discharge his duty to them, if he did not give his negative to the motion for reading it a third time.

Mr. Alderman TOWNSEND himself opposed it very strenuously. He contended, that since the Bill came into the House the grounds of it had been shifted repeatedly. That one day it was the bankruptcy of the East-India Company; another day it was their temporary distress; another day again it was something else, and thus the ground was taken and abandoned, changed and changed again; now here, now there; at one time in sight, at another behind the hedge, till at last it was not to be traced any where. It was said, that the East-India Company owed Government money, and therefore their Charter was to be taxed on; was that a sufficient plea? Had not Government abundantly more than the value of the debt under lock and key? Would not a pawn-broker lend the money the Company owed and wanted, on the same or a worse security? Who was it prayed for the interference of Parliament,—the Proprietors of East-India stock? No. They desired no aid on such conditions. Was it the creditors of the Company? No. They had much rather leave their security in the hands of the Company. Upon these questions he built several arguments against the Bill, and ridiculed the idea of breaking through Charters so wantonly, declaring, that if the present Bill passed, he should not wonder to see a proposition brought forward next year to put the Crown in commission, for a commission of that sort would not be more unconstitutional than the other. The Alderman was extremely severe on the Attorney General, for having talked lightly about Charters, and said that a piece of parchment was not to be regarded as a matter the more sacred, merely because it had a large seal hanging to it, in cases where State necessity required that it should be abrogated. Such language, he said, from a Law Officer of the Crown, was to the last degree alarming. To what source of security were they to look, if Charters, solemnly granted and ratified, were to be thus trampled, and by his Majesty's Attorney General.

He also took notice of the Lords' Protest, declaring, that the Superior House of Parliament had recorded their opinion of all such Bills as the present.

He was called to order, for using the word *superior*, and informed from the Chair, that it was extremely disorderly for any Member of that House to state either of the three branches of the Legislature as superior to the others. Upon this he resumed his argument, and said, he only meant to speak his opinion of the privileges enjoyed by the other House, of recording their sentiments upon any measure to posterity, and declared, that calling the Protest of the Lords on the Bill of 1773, Political Libels, was, in his mind, a very indecent presumption.

Mr. Alderman SATON then said, he had given two votes in support of the Bill, because he in his conscience approved of the measure. He had since been instructed by his constituents to oppose it, and as he always thought it his duty to obey their instructions, he should do it in this instance, and vote in a manner different from that in which he had before voted. As his constituents, however, had not at the same time furnished him with any arguments against the Bill, or thrown any new lights upon it, so as to induce him to alter his opinion of it, he should say nothing in its favour. A silent vote therefore was all that could be expected of him, and that he should, in obedience to the instructions of his constituents, certainly give against it being read a third time.

The cry of *Question, Question!* was now again extremely loud, when

Sir ROBERT HERRIS rose, and begged to be heard, as he wished to state a few reasons for the vote he meant to give. Sir Robert said, his reasons were fourfold. First, he would state them as a Proprietor of India Stock, and what was more unfortunate for him, as an old Proprietor; next, as a Merchant; and, last of all, as a Politician, for every man in this country was, and had a right, to be a Politician. Sir Robert, then stated, that he had bought India Stock in 1772, and appealed to the noble

noble Lord in the Blue Ribbon, whether he had not at that time been particularly engaged in the concerns of the Company. From this, he proceeded to complain of the ill constituted Administration of the Company's affairs, as it had stood hitherto, and was going much at large into that consideration, when the House again loudly expressing their impatience for the question, Sir Robert said, though he had not near done, he would sit down to gratify their desire to end the debate.

The SPEAKER was proceeding to put the question, when

Sir ROBERT SMITH rose, and obtained the attention of the House, upon his declaring that he would take up but a few moments of their time. Sir Robert then went into a statement of his reasons for disapproving of the Bill. Among others, he declared that the destroying the Charter of the East-India Company, and abolishing the Court of Directors, upon the alledged delinquency of some of the Company's servants abroad, struck him to be full as preposterous a measure, as if that House, instead of a late expulsion of one of their Members, had proceeded to disfranchise the Borough of Heydon, on account of the criminal conduct of its representative. Sir Robert added a variety of arguments to justify his opposition to the Bill; but finding the impatience of the House for the question to increase, he closed his speech with some emphatical expressions of the consequences of the Bill, and of the disgrace it would entail on the Right Honourable Secretary who introduced it, and on that House, for having blindly adopted it.

The SPEAKER was again proceeding to put the question, and the gallery was actually cleared of strangers, when

Mr. FLOOD rose, and in compliment to him as a new Member, and as a speaker of great expectation, profound silence obtained directly, and he was listened to for a considerable time with the utmost attention.

This Honourable House will forgive me, I hope, for calling their attention at so late a period of the debate, which nothing but a full conviction of the vast importance of the business before us, and a sense of the duty I owe to this country, as a Member of Parliament, could have induced me to do. I consider this Bill as one, the general tendencies of which are of the most interesting nature. It gave me concern to think, that it was likely to pass before I could have an opportunity of offering my opinion on its merits; and Gentlemen must give me credit for what I say, when I inform them, that on last Wednesday I was sitting in the Irish House of Commons. Had I not been anxious to join my voice with those whom I believed to be actuated by the wisest and most equitable motives, I should not have made such haste to appear where I now stand. I have no reason to doubt, but Gentlemen will believe, that what I aim to say must flow from an impartial and unprejudiced mind. I am attached to no party; I am influenced by no kind of faction; I have not promised my vote to any set of men, but that which shall appear to be the most virtuous; nor to any measures but those which I shall promise the greatest benefit to the community. I know, however, many Gentlemen on both sides of the House; and there are many on both, whose political talents and views I both approve and admire.—It is matter of regret to me, that I appear here so badly qualified to discharge my duty, as I find myself to be. Having lived at a distance from the centre of political operation in this country; having had little opportunity of becoming acquainted with the Affairs of the India Company, both from my situation and the multiplicity of my other occupations; and what is still more against me, having never perused the Reports of the India Company, I perceive there is nothing that I shall say that can induce any Gentleman to alter his opinion. None then can be disappointed, if I say nothing decisive on the subject of debate; and I am determined, that what I shall say shall carry nothing personal in it.—The first objection I have to the Bill is its *novelty*. Innovations in Government are always precarious, and very often dangerous. I will not venture to pronounce positively, that the Bill is in every respect a bad one, because I have not fully considered all the separate clauses of it with the attention they deserve; but I will say, that the first appearance of the Bill is *unfavourable*, and that it is, the public clamours have made very evident. I think I may also venture to say, that the tendencies of the Bill are *dangerous*; and I may assume the violence that has been used to establish it, and which is likely to prevail in the exercise of it, as a proof of what I assert. The next objection I have to the Bill, is the precipitation with which it has been carried to its present state. Its being so violently pushed on, demonstrates either a pernicious rashness in the promoters of it, or a distrust of the rectitude of its principles;

principles; for if it were a good one, it surely could not be too long, and too fully discussed; and if a bad one, it will surely pass into a law too soon. I am of opinion, that Ministers have not acted so openly in this important affair as they might have done. They ought to have declared their purpose or proposing this Bill before the conclusion of last Session, and thereby allowed Gentlemen to come forward with their ideas fully collected, and well digested. Gentlemen must have observed, that the interference of Parliament was the first cause of confusion in the Company's Affairs. The Bill of 1773 was intended to regulate the Company's conduct: It was very badly received, and occasioned much dissatisfaction and much disturbance. Why then should Parliament rashly interpose now? One would have expected that the fate of the Bill in 1773 would have made them more cautious. If it were indubitable, that this Bill would answer all the good ends which a wise Bill might answer, there would be less impropriety in making this experiment: But as many Gentlemen of the greatest wisdom, and the best understanding, believe it to be unconstitutional, I cannot help disapproving of it. This Bill has been reprobated as being a violation of Chartered Rights. Such violations are certainly matters of serious consideration, in a country in which so many important privileges are held by Charter, and in which there exist such liberal notions of freedom. Charters may often be improved and new-modelled; but very seldom is it proper to diminish their power, and never at all justifiable to annihilate them. For my part, I see not any necessity for treating the India Company in the manner that this Bill proposes. It has been said, they are incapable of directing the extensive concerns of India. I am sure this does not appear from the conduct of Parliament: They have displaced the twenty-two Gentlemen who governed before, and they have settled sixteen others in their places. And who are these sixteen? Why, eleven of them are those who governed formerly; chosen again, no doubt, because they know better than any other set of men how to conduct the Affairs of India. Is it likely, then, that these sixteen Gentlemen will act more wisely than the twenty-two? They who are best qualified, acted when all the grievances complained of were generated; the others want experience; it is therefore not likely that matters will succeed better in future than they did before. It may be said that the late Directors were not successful: Perhaps they were not; but that cannot be looked upon as a just plea for depriving them of their most valuable privileges. The Parliament of this country has not been so successful in some of its efforts as that of Ireland; but it does not from thence follow, that the English Parliament should not go on to act. It is a maxim with me, and it would be well if the same maxims were adopted by collective bodies of men, That all public Companies ought to be treated with the greatest respect, and that their Rights ought to be held sacred. It is possible to conceive a situation of affairs which might justify the setting aside of this maxim. Such a situation of affairs would be a situation of necessity; but the present is not. The conduct of Parliament towards the India Company is much more a subject of just complaint and remonstrance to them than the Boston Port Bill was to the Americans. Property is certainly the first principle of Legislation. The Proprietors, therefore, one would think, had a title to superintend their own Affairs. I do not deny that Parliament may sometimes act wisely, and not unjustly, in interfering with inferior Boards; but that interference should be to assist and regulate their conduct, not to destroy their rights. It is a great, and I think an obvious truth, that all constitutional ends may be obtained by constitutional means: And were this truth used as a guide in Legislation, oppression and dissatisfaction would cease at once. The Influence of Parliament is certainly supreme in this country, and I have no wish to see it diminished: I would only have it to act with moderate despotic monarch can command the lives and property of his subjects at will; but his power is always in proportion to his clemency and bounty. He can also delegate his power; but then, if he has any wisdom at all, he will be extremely cautious to whom he delegates his power; for both his own safety, and that of his people, depend upon the conduct of those whom he entrusts. This may easily be applied to the officers now appointed by Parliament. It has been granted, that the Directors shall continue in office four years. I should be glad to hear from the Right Honourable Gentleman who moved this Bill, whether he intends that this mode of Government shall be permanent, or if it is to expire with the term mentioned. If it is to be permanent, it is very bold in Gentlemen to publish it so hastily: For can the Right Hon. Secretary, or any other Honourable Gentleman in this House, say that it

will infallibly answer all the ends proposed by it? If they cannot say so, I am disposed to think, that they have been rather inconsiderate; and I have reason to fear, that the remedy will be more intolerable than the grievance they sought to redress. If, on the other hand, the Government of India be to return to Parliament at the end of four years, there is not so much danger to be apprehended. An experiment shall then have been made, and there will be an opportunity given for improvement of the system. With regard to Mr. Hastings, to whom it is said this country is indebted for the exchange that is about to take place, I have always been accustomed to hear a very high character of that Gentleman; I have heard the benevolence of his heart, and the vigour of his understanding highly extolled, and I never heard him represented as being given to rapacity. I might not, perhaps, hear all the truth told of him; my situation at that time was unfavourable for receiving such information. But I did hear these, and many other favourable things said of him; and I confess, that they have made an impression upon my mind, which inclines me to blame the motives that led to the Bill before us.—The present Directors I have a very high opinion of. I believe them to be men of honour, integrity, and ability; but after all, I cannot but think the government of a whole nation too vast a charge to have given to them. The conduct of Parliament, in this instance, reminds me of the Roman Decemviri. Laws were wanting at Rome: The Senators acknowledged they were wanting; but, instead of enacting them as they ought to have done, they left all to the Decemviri. The Decemviri made laws, but they soon threw the State into confusion. The Board of the seven Directors does not appear to me to be a well assisted one. The principal direction is in the hands of the three standing first upon the list; four is a quorum; therefore in this case four will be subject to the controul of three. This appears to me an inconsistency; such a Board must be unstable; they will quickly disagree, and the direction will devolve upon one man; so that in the end, this Board will be like the Admiralty or the Treasury Board, or like the Board of Trade, where one person presides, and all the rest are cyphers.

I must here apologize again to the House for taking up so much of their time, and at so late an hour. Had I been fully prepared to meet the question, I should have had less need for pleading forgiveness. The chief knowledge I have of the business, has been gathered from what I have heard in the course of this night's debate; and all that can be got in the course of a debate so cursory, on a subject so amply discussed, as I understand this to have been on some former occasions, must be acknowledged to be but inconsiderable. Before I sit down, I have only to say, that the Bill waiting the decision of the House appears to me in such a point of view, that I cannot vote for another reading of it.

MR. COURTENAY said, he was affected beyond measure, when the Honourable Gentleman rose up to speak, as he had often admired the astonishing effects of his rapid and impetuous eloquence. Like Felix, when Paul preached, he trembled, and was apprehensive, the Honourable Gentleman would have persuaded him to give his vote in opposition to the Bill, notwithstanding his determination to the contrary. But his terrors soon subsided, when the Honourable Gentleman candidly declared he knew nothing of the important subject of debate; and indeed he proved the sincerity of his professions by the very jet of his argument. The Honourable Gentleman owned, that he had been in the Irish House of Commons last Wednesday, displaying (no doubt) his elocution in his usual manner, and receiving the applauses of his astonished audience;—He had then crossed the seas and mountains with precipitation, took his seat, confessed his ignorance of the subject, and then accused the House of precipitation, for having pushed on a Bill to the third reading, rashly, unconstitutionally, and unadvisedly, after a fortnight's debate; when every possible argument on both sides of the question had been discussed with all the acumen, subtilty, and abilities of that House: But as the Honourable Gentleman studiously avoided entering into particulars, he displayed his political sagacity by general aphorisms; and they derived consolation and improvement by hearing truths (which no man could dispute, and which they heard every day) solemnly sanctioned by so great and respectable an authority. The Honourable Gentleman had said, and truly said, the House should proceed with discretion, otherwise they could not act discretely; but as the word *discretion* might not have all the desired effect, he had added *good* discretion, which epithet no do doubt gave it—a legal and wonderful Parliamentary grace and dignity. After this exordium, Mr. Courtenay said, he expected to have heard

heard some reasons to prove the House had not proceeded with discretion, with sound discretion. But the Honourable Gentleman had not chose to gratify his curiosity. However, he begged leave to return him thanks, for not overpowering him by the solidity of his arguments, and enchanting him by the brilliancy of his imagination; for if the Honourable Gentleman had exhibited his former blandishing powers of persuasion, he might (considering his peculiar administration of the Honourable Gentleman, aided by his partiality to his countryman) have exhibited an extraordinary instance of inconsistency; by surrendering to the oratory of the Honourable Gentleman, though he had intrepidly held out against the graceful and elegant elocution of one Right Honourable Gentleman, and the energy and logic of another, whose eloquence murmured along, both with the rapidity and clearness of the river Tweed. The Honourable Gentleman had also boasted of his being independent, and connected with no party. Mr. Courtenay observed, he was not acquainted with the Honourable Gentleman's political connections: He gave his own definition to the word *independent*. For instance, whenever he heard a Member of that House speak without any knowledge of the subject, without any previous information of facts, and without any sound or solid argument, he denominated such a Gentleman an *independent* Member of Parliament—as he certainly spoke *independent* of points and circumstances, which thackle and confine other Members of a more abject and less enterprising spirit: At the same time he must observe, that the Hon. Gentleman was not singular in that respect; for since he had the honour of a seat in that House, he had heard many British Senators express their sentiments in the same *independent* manner. The Hon. Gentleman also, with profound learning and ingenuity, alluded to the celebrated and unshaken story of the Decemvirs; and seemed tearful, lest some of the young Directors should, like Appius, commit a rape on Virginia; or, to speak a more constitutional language, violate the purity of that immaculate House; but he was under no such apprehension, as the debate of that night had convinced him, that we had our British Cato, our Triboni, and our Brutii, who, with indignant spirits, and manly exertions, would avenge the cause of their injured country. Mr. Courtenay concluded by apologizing to the House for taking up so much of their time; nothing but deference and respect to the Honourable Member, could have induced him to trouble them at that late hour. He thought himself particularly called on by the Honourable Gentleman, the accommodating eccentricity of whose arguments seemed so exactly calculated to his capacity. He appealed to the House, whether he had not given them their full force; indeed it had not puzzled him how to answer them, but where to find them. He congratulated the House on the Honourable Gentleman's declining (for reasons he had explained at the beginning of his speech, viz. his absolute ignorance of the subject) to enter into the argument at large, on the principle, policy, and expediency of the Bill. If the Honourable Gentleman had done so, he must have followed him, and rung all the changes on legislative and executive power, with which the House had been so edified and entertained.

Mr. F. took said a word or two in explanation.

The House now divided, on the third reading,

Ayes	208
Noes	102

Majority 106

After which the Bill was read, and a new clause inserted by way of rider; and also in the room of Stephen Lushington, Esq. and Jacob Wilkinson, Esq. the names of Joseph Sparks, Esq. and James Moffat, Esq. were inserted.

The SOLICITOR GENERAL next moved for leave to bring up a short clause, declaring it a Public Bill.

Mr. ARDEN said, he had not the smallest objection; it might certainly be so declared; but wondered not at its having escaped the Honourable Gentleman, since every body had considered the Bill as a private job.

One or two verbal Amendments were then proposed, and engrossed; after which the Title of the Bill was shewed, and then the Bill passed, and was ordered to be carried up to the Lords by Mr. Secretary Fox.

Mr. ALFRED TOWNSEND was, by accident, locked out on the division, and thus a vote was lost to the Minority.

The House rose at FOUR in the morning.

THE
AFFAIRS OF ASIA

CONSIDERED IN THEIR EFFECTS
ON THE
LIBERTIES OF BRITAIN,

In a Series of Letters,

ADDRESSED TO
THE MARQUIS WELLESLEY,
LATE GOVERNOR-GENERAL OF INDIA;

Including

A Correspondence with the Government of Bengal, under that Nobleman, and a Narrative of Transactions, involving the Annihilation of the personal Freedom of the Subject, and the Extinction of the Liberty of the Press in India :

WITH THE
MARQUIS'S EDICT for the Regulation of the Press.

BY CHARLES MACLEAN, M. D.

Author of a View of the Science of Life; and an Excursion in France, from the Cessation of Hostilities in 1801, to December 1803, &c.

SECOND EDITION.

London :

*Printed by C. MACLEAN, Cross-court, Drury-lane ; and sold by
all Booksellers.*

1806.

ADVERTISEMENT

TO THE

SECOND EDITION.

THE rapidity with which the first edition of this work has been exhausted, is no mean proof that the people of this country are at all times ready to make common cause against the violators of their rights and liberties; and leaves me to regret that it is not less unworthy of the public favour. I have especially to lament that, from the necessity of a seasonable exposition of some parts of the conduct of the last Governor-General of India, it has not been in my power to give more than a faint outline of the danger arising to the liberties of the parent state from the general system of Anglo-Asiatic government. Enough, however, has, I trust, been said to convince the public of the existence of that danger, and of the extreme importance of instituting an immediate inquiry, on the most extensive scale, into the debasing effects of this unique political lusus naturæ.

1st September, 1806.

THE
AFFAIRS OF ASIA
CONSIDERED IN THEIR EFFECTS, &c.

LETTER I.

*Addressed to the Marquis WELLESLEY, late Governor
General of India.*

“Whoever will attentively consider the English history, may observe that the flagrant abuse of any power, by the crown or its ministers, has always been productive of a struggle, which either discovers the exercise of that power to be contrary to law, or (if legal) restrains it for the future.”

Blackstone's Commentaries, vol. iii. p. 135:

MY LORD,

I REJOICE that your arrival in England affords me the opportunity of renewing the subject of our correspondence in India, upon terms of somewhat less inequality. Aware as I am of the weight which, even in this free country, family connections, wealth, and parliamentary influence, throw into the scales of a contest, I feel that it would be paying a bad compliment to the spirit and understanding of the people, when their rights and liberties are invaded, to doubt that they will make common cause in their defence. It is, I believe, an established maxim

of free governments that acts of injustice, tyranny, or oppression, perpetrated against any member of the community, although as facts they may only affect him individually, as precedents equally affect them all. What is my case to-day may be any other man's case to-morrow. The injuries of the individual are therefore the cause of the community ; and, as it is his duty to resist, it is their province to punish, every undue exercise of authority.

How far this principle applies to the proceedings which I shall here detail, the public will decide. Holding it to be the first duty of every subject of a free state, if he wishes that the state should continue free, to resist all encroachments, whether in his own person, or on a more general scale, upon the rights and liberties of his country, I glory in having opposed a regular and constitutional resistance to pretensions, I will not say simply unconstitutional, but wholly incompatible with the existence of any degree of freedom. During your administration of India, I made an insinuation, in one of the public newspapers, of improper conduct against a magistrate. You required me to make an apology for that insinuation. I refused to make such apology. You sent me a prisoner to England. This is the sum total of the affair between us. The details and illustrations will be found in the following correspondence.

Let us now see what the magistrate had done, against whom *I insinuated* improper conduct. He only committed to prison, with various circumstances of indignity, a friend of mine, on accusation *by a friend of his* *, of a simple assault, refused to admit him to bail for that offence, and sent him under an escort of soldiers, in an open boat, at the imminent risk of his life, and to the actual injury of his health, in order to be conveyed to Calcutta, an immense distance from the scene of action (I presume if he had any specific purpose in view) for trial. "In this boat," says my friend, (See Letter No. IV.) "was I confined "for upwards of a month, exposed to wind and "weather, sitting all night in the rain, and ready "to jump overboard, expecting the boat to be "dashed to pieces by the severe north westers, "prevalent at that time of the year." He adds : "I got a deafness, which I am as yet hardly clear "of."

Was it not in consequence of my insinuation, and of some other hints conveyed to your Lordship's ears, through the medium of the Calcutta newspapers, that orders were sent by government to release Mr. Maclean, while yet on his passage, and to permit him to return home, without however putting him in possession of his Indigo-

* Mr. A. Maclean and Mr. B. D'Aguilar, the persons in question, were partners in an indigo-work, of which the former had the management and was in possession.

works, from which it had been the object of a conspiracy to eject him? Did not the same hints also, with the letter of *Habeas Corpus* (of which I regret that I have not a copy) produce a reprimand to the magistrate, and frustrate the ulterior proceedings projected by a junto against Mr. Maclean? A perusal of his Letters No. III. and IV. will plainly shew that the whole was a preconcerted plan; that the assault was purposely provoked, with a view to the ulterior proceedings of ejecting him from the Indigo-works, imprisoning and removing him. But this was not all: a criminal indictment at the suit of the crown, was laid against Maclean in the supreme court of judicature, for this terrible assault, by which manœuvre D'Aguiar might be cited as a witness in his own cause, and being, in that quality, placed under the protection of the court, would be exempted from the operation of a debt contracted in Calcutta solely on his account, while Maclean was to have been arrested for the very same debt, with which he had no other concern than having, when they were upon friendly terms, unadvisedly (and perhaps with this very object in view on the part of *his friend*) become security for D'Aguiar*. The bill of indictment for the assault was

* Historically it may be worthy of remark that Europeans, residing beyond the provinces of Bengal, Bahar, and Orissa, are not considered under the jurisdiction of the supreme court of judicature, and consequently cannot be forced *by them* to pay their debts. But the Governor-General *may* order them within the provinces;

found by the grand jury, but the prosecution had not commenced when I left India. I have however reason to believe that the various notices given to the public, through the newspapers, quashed the proceedings, and in part frustrated these projects of complicated iniquity *. Even the expiring efforts of the liberty of the press in India were then productive of some good.

The greatest statesmen and legislators from Cicero to Burke, agree that justice is the only solid support of a state: *nec domus nec respublica stare potest, si in ea nec recte factis præmia extent ulla, nec supplicia peccatis.* Cic. Even those of us, who are most alive to these truths, are too ready to pass over solitary instances of injustice as unworthy of notice. We are too apt to believe that they will not recur. It is by such criminal neglect that the liberties and happiness of nations are endangered and lost, while by duly attending to these minutiae, obscure states have risen into greatness: *Parva sunt, sed parva ista non contemnendo majores nostri maximam hanc rem fecerunt.* Livy. The arbi-

so that, in some cases, it depends upon *his will*, whether British subjects shall pay their debts!—The district of Benares is beyond these provinces.

* It seems not undeserving of notice, that the legal adviser of the Benaree junta, in the case of Mr. Maclean, and of the Governor General, in my case, was one and the same person, the now puisne judge, Sir W. Burroughs, whose absence from this country prevents my making any farther observations on his conduct, than that I have no doubt he merited the additional 1500*l.* a year added by the Marquis Wellesley to his salary.

trary imprisonment and transportation of an individual will be considered of little importance by those “ whose understandings measure the violation of the law by the magnitude of the instance, “ not by the important consequences which flow “ directly from the principle.” It is not to such men that I address myself, nor to those “ who “ affecting a character of moderation, in reality “ consult nothing but their own immediate ease,” nor to such as “ are weak enough to acquiesce “ under a flagrant violation of the laws, when it “ does not directly touch themselves.” To persons of this description, I have only to say that I lament a punishment more severe than contempt has not been provided for such despicable supineness.

But I am unwilling to believe that there is yet a man in the kingdom so criminally indifferent as not to be roused, if not from sentiment, at least from a consideration of remote interest, by the series of profligate measures which I shall here present to his view. They are not simply a gradation of private injury, or public wrong, or even an imperfect mixture of both : but an absolute and complete violation, in epnome, of all that is most precious, in the principles of the British Constitution, and that in as complete and perfect a form as it is possible for the human imagination, in civilized times like these, to conceive practicable in any portion of the British Empire. If

the establishment of a despotism over fifty millions of people, such as these measures infer, and which I shall prove to the satisfaction of every unprejudiced man in the kingdom, be not sufficient to strike a general alarm throughout the land, and to cause the most vigorous measures of enquiry, the national apathy must have already reached a point from which there is no return. Let us here take a cursory view of the stages or degrees by which you completed the climax of despotism. The conduct of the Magistrate of Ghauzeepore in abetting a conspiracy against Mr. Maclean, and yours, my Lord, in abetting the conduct of the Magistrate of Ghauzeepore, cannot be better characterised than in the following words of Blackstone. “ There is yet another
 “ offence against public justice, which is a crime
 “ of deep malignity ; and so much the deeper, as
 “ there are many opportunities of putting it in
 “ practice, and the power and wealth of the of-
 “ fenders may often deter the injured from a le-
 “ gal prosecution. This is the *oppression* and
 “ tyrannical partiality of Judges, Justices, and
 “ other *Magistrates*, in the administration and
 “ under the colour of their office. However,
 “ when prosecuted, either by impeachment in
 “ Parliament, or by information in the court of
 “ King’s Bench (according to the rank of the
 “ offenders), it is sure to be severely punished
 “ with forfeiture of their offices (either conse-

“ quential or immediate), fines, imprisonment,
 “ or other discretionary censure, regulated by
 “ the nature and aggravations of the offence com-
 “ mitted.”

But, if such crimes, according to that excellent lawyer, deserve impeachment, what must we think when we find that these were but the mere incipient stages of your progress? That you proceeded in your course with a rapidity worthy of a better cause, and never drew breath until you annihilated the personal freedom of the subject, and extinguished the liberty of the press in India? These offences, whatever they may amount to, I pledge myself to prove by facts the most clear and incontrovertible. It will depend upon others to apply the law and the punishment.—Had not the measures of your administration, my Lord, been stamped with a character of consistency throughout, I should have much doubted whether you were fully aware of even the most immediate consequences of the arbitrary proceedings, which are to be the subject of the following letters. To suppose that you could have perceived this, all would I trust be paying too high a complement to your discernment at the expence of your integrity. Did you perceive that, in the single fact of imprisoning and sending an individual to Europe, for refusing to make an apology for having insinuated improper conduct against a magistrate, you were, in effect, asserting

a general principle, that the liberty, property, reputation, and in some degree the life, of every British subject in India, were equally at your disposal? That you had the right of transportation over every individual, who did not pay implicit obedience to your will—a doctrine which you afterwards, indeed, in promulgating your regulations for the press, did not scruple formally to avow * ?

After having asserted this right of transportation for every act of disobedience to your will, and by laying previous restraints upon publications, prevented the possibility of committing offences by the press, it would require some ingenuity to divine means by which you could have taken the law more completely into your own hands, or established a more perfect system of despotism. Although the facts would have been more striking, the principle could not be better illustrated, if you had abolished the courts of justice as useless, and shipped all the judges for Europe.

With respect to the extinction of the liberty of the press, it was the natural consequence, as in-

* The Marquis's regulations for the press have been moved for in parliament. But as the circumstances attending my transportation are essentially connected with, and comprehend a historical detail of, the extinction of the liberty of the press in India, it seems absolutely necessary to the right understanding of the subject that I should consider them together.

deed it was the principal object, of your assumption of the power of transportation in my case. You were probably aware, that while I remained in India, as the proprietor of a newspaper and a magazine, you could never accomplish your grand object of subjecting the press to an *imprimatur*. But finding that you could not with decency avow so profligate a motive, you availed yourself of the ridiculous pretexts of my refusing to make an apology for having insinuated improper conduct against a magistrate, and of my residing in India without a licence, to effect your purpose. This much I think it necessary here to anticipate. The merits of each of these points shall be afterwards separately considered.

You best know, my Lord, whether, during your administration of India, you committed many similar acts of prowess, or were satisfied with the manifestation of your strength in this single instance. This indeed, as the accumulation of instances would not affect the principle, is a matter not of great importance to the public to ascertain. From what has passed in my case alone, we are fully entitled to conclude that, if your Lordship was sometimes graciously pleased to be merciful, you must still have considered yourself as having an undoubted right to exercise the same arbitrary authority over every British subject in India, which you exercised over me. The singularity of the case, if it be singular, would but ag-

gravate the oppression of the individual, without mitigating the offence against the state. But the Court of Directors, or their secret committee, will perhaps have the goodness to inform us, and the public have a right to expect the information, whether transactions, or correspondence, relating to the imprisonment or expulsion of individuals from India, without the form of a trial, have ever been considered as matters of sufficient importance to be communicated to them, by their governors, or to obtain a place upon their records.

Having stated your general object, let me now advert to your Lordship's motives, in the assumption of these very extraordinary powers. They may, for ought I know, have been unexceptionable. With a man of your exalted notions, they could not of course have been founded in personal ambition. You had possibly some grand schemes of happiness for the inhabitants of India, which could only be carried into effect by first depriving them of all free-will. These projects you have perhaps deigned to communicate to the *Secret Committee* of the Court of Directors, and they, with or without the compulsion of the Board of Controul, have perhaps thought proper to approve of your conduct *. Of the sys-

* The Marquis's brother has actually moved that papers be laid before parliament to shew the *approbation* of the Court of Directors of his regulations for the press! It would have been more to the purpose to have shewn that they were necessary or useful.

tem of compulsion under which the Secret Committee of the Court of Directors acts, and the effects it is likely to produce, or has already produced, on the liberties of this country, I shall afterwards have occasion to speak. The motives of the Court of Directors and Board of Controul may have also been quite unexceptionable. But in the conduct of public men we have nothing to do, but with facts. They owe an account of their motives to another tribunal.

Do you, then, really think, my Lord, that with such explanations you will be able to satisfy the people of England? Do you imagine that they are already converted into Asiatics? Your knowledge of the world might have taught you, that men will suffer an invasion of their dearest rights, when they will not bear an insult to their understandings. If a person had spontaneously committed a theft or a robbery, but, finding afterwards that some enquiries were likely to be made by the owners of the property he had taken, he were to tell them, in his vindication, that he had informed his master of what he had done, and that his master highly approved of his conduct, would they not treat him as an impostor, as well as a fool, and a knave?

Pray have the goodness to explain to us, my Lord, wherein this would differ from your case, if you have actually annihilated the personal freedom of the subject and extinguished the liberty

of the press in India, and if you should now attempt to vindicate yourself by alleging the *approbation, not even the order* of your masters? If however you could produce their order twenty times repeated, you must, before it can serve you in any stead, first shew what right your masters have to give that which does not belong to them : you must shew that the fee-simple of the persons and property of fifty millions of his majesty's subjects is vested in the Board of Controul and Court of Directors. Unless you can do this, the orders of these bodies will be no exculpation of your conduct.

But we can comprehend the policy of procuring the approbation of your masters to measures which cannot stand upon their own merits. Although it cannot excuse you, it may lessen, by dividing, the odium ; and, by increasing the number of accomplices, augment the chances of impunity. At all events, my Lord, your conduct and your language have been perfectly intelligible, and we owe you obligations for coming so fairly to an issue. The grand experiment must now be made whether the British Constitution is for ever to fall, or that complex Asiatic machinery, which has been so long silently operating its destruction, to be overthrown.

This is precisely a case calculated to remove uncertainties on several points of the highest importance to the public. The manner of its

reception will enable us at once to ascertain whether the inroads that have been made, particularly for the last few years, on the freedom of public discussion, have paralysed beyond redemption the wonted energies of the British mind ; whether, in respect to every grand or liberal sentiment, we are in a state of advancement or retrogradation, and whether we are in the actual enjoyment of civil and political liberty, or the vaunted blessings of our Constitution be mere mockery and delusion. There cannot, I think, be a fitter season for enquiring how far our internal freedom is solid and efficient, than when we proclaim ourselves the defenders, and are so in effect, of the independence of Europe. It would be a curious and an useful enquiry, but into which I do not mean at present to enter, how far the apparent decline of our freedom may be connected with circumstances, and how far with men. If it should appear that we have actually suffered permanent political debasement, the principal cause of the evil, if I be not widely mistaken, will be found in the nature of our connection with Asia. This cause indeed is, in my opinion, so palpable that, unless we shut our eyes, we cannot avoid perceiving it. I here assert, and I shall prove it before I have done with you, my Lord, that the silent progress of Asiatic influence, particularly under such a guide as you, is alone sufficient, by weakening the sentiments of freedom, and corrupting

the morals of the people, to deprive our constitution and liberties of the sole principles by which they exist. It is like the vile creeper, which twines round the majestic oak, insinuates itself into its vital parts, arrests the current of its circulation, impedes the progress of nutrition, and continues its odious caresses until the venerable tree is converted into a lifeless trunk.

With respect to the offences imputed to you against the East India Company, having been little more than a month a subject of your government, I know nothing of your innocence or guilt. It is quite sufficient for me to prove, from transactions within my own knowledge, that, in this short period of time, you annihilated the personal freedom of the subject, and extinguished the liberty of the press, in India.

But it may be proper in this place to state generally not only what, under the system *you* have established in India, and that which has been established by others in Europe, even a single Governor-General may effect, in the way of speculation, extortion, and tyranny, abroad, but also what he may do by a re-action towards destroying the liberties and the Constitution of the mother country. He may, if he has a Board of Controul in understanding with him, assume the patronage of whole provinces, and apply millions annually, with scarcely any risk of detection, (for the liberty of the press is no more) to his own use and their

gratification. He may continually employ the petty princes of the country as mere sponges, through which to suck up the last *piece* of the miserable natives, throughout the afflicted provinces. The enormous sums, which, without descending into petty but fertile details, might be thus obtained by a rapacious Governor-General, would supply him with ample means of corrupting a great portion, not only of the representative, but of the literary, integrity of the nation, that his delinquencies might be not simply covered and defended, but even remunerated and applauded, upon his return home. Here, then, we should have an individual above the laws, intangible, behind impenetrable ramparts of corrupt influence, with the Constitution of the country prostrate at his feet, and exulting over its ruins !

Oh ! but this can never happen. The Court of Directors have the power of recal ; they have the power of doing wonders ! Let us now see in what situation these unhappy gentlemen really stand. If it should please the Board of Controul, or the Government, which is precisely the same thing, to order otherwise, will the Court of Directors dare to recal the most obnoxious Governor ? No ! They may even be compelled to thank him for a conduct of which they totally disapprove : and after he arrives at home, although their affairs may have been ruined by his extravagance and tyranny, and every one of his

measures should be altered by his successor, (I am speaking generally) the Court of Directors may be placed in a situation that they dare not prosecute him, nor even avow their reasons for not prosecuting. Well and truly has Mr. Francis called them "Unhappy, unfortunate, and poor gentlemen," who may be made the mere tools of the Board of Controul and Governor General, laughed at by them, and blamed by the public for not daring to seek redress, or not daring to avow their reasons for not seeking redress. We are supposing the Board of Controul to be covering the measures of the Governor General and perhaps their own. But how, it may be asked, can they prevent the Court of Directors, in such a case, from doing justice to their interests and their character? By a very easy process. They have only to say, "You owe the State six millions sterling, which we can either demand, or not as we think proper. If you obey *our will* we shall give you longer credit; but if you are refractory, we shall oblige you to fulfil your engagements *to the public*, and if you cannot pay the money you must forfeit your charter." This reasoning is conclusive. Each Director has a salary and some little patronage to lose.

But what must be the effect upon Great Britain of this system of checks, this circular government, which has neither beginning nor end, which

puts the revenues of a population of fifty millions of people at the disposal of a Board and a Governor General? It is alarming to contemplate. A wicked Board of Controul might tell a wicked Governor General: "Extort millions from the native powers, or British subjects, it does not matter which; be sure you remit us a good portion, and you may enrich yourself as much as you please. In order, however, that you may do this with safety, take such vigorous measures that no one will dare to speak or to write upon public affairs in India. We shall take care of the Court of Directors. They must approve of every thing you do, otherwise they shall forfeit their charter; and as to the public, we can easily satisfy them." We shall suppose this wicked Governor (ambition is the gentle term usually given to this species of wickedness) sets out invested with those full powers; that the very first thing he does, upon his arrival in India, is to extinguish the liberty of the press, and to annihilate the personal freedom of the subject; that he afterwards, by war, negotiation, spoliation, extortion, patronage, and immersing the Company in debt, raises unheard of funds, for the purpose of enriching himself, and making adherents to support his cause in England; that he even employs vast sums in corrupting the periodical publications of Great Britain, from the an-

nual records of history to the daily journals*. This is a case, my Lord, which of course I am only supposing. Under the present Administration, and the present noble President of the Board of Controul (Lord Minto), I am very certain such a case cannot happen. But others less scrupulous may succeed them; and we are to guard against what men *may* do, not against what they *will* do.

The East India Company, the Court of Directors, and the public, have now surely had sufficient experience of Mr. Pitt's India Bill to convince them of its real tendency, if any thing short of absolute slavery can convince them. Has ever such a monstrous instrument of government been known in the world, as that with which the patronage of a subordinate country, possessing fifty millions of inhabitants, supplies the Administration of a mother country possessing only fifteen millions? Is there a family of any consequence in England, Scotland, or Ireland, that has not some friend or relation to be provided for in India? How many individuals, how many families, how many counties even, will the expectation of preferment keep at the devotion of the Board of Controul, and therefore of the government? Is it extravagant to suppose that a patronage so immense

* It may be matter of curious speculation to observe how far such influence may hereafter operate either by silence or by an active support of Eastern delinquency.

is alone capable of sustaining an Administration in office, not only contrary to the voice of the people, but even to the power of the Crown? In the hands of a wicked Administration, so enormous an engine of government, by absorbing the power of every branch of the Constitution, is alone adequate to destroy the freedom of the state. But even at the disposal of the most virtuous administration that can be supposed to exist, it would, by a gradual but infallible operation, produce an abject and servile disposition in the people, and rooted habits of tyranny in their rulers. It is therefore a political monster against which every man in the universe, who does not wish for a return of slavery and barbarism over the face of the earth, should raise his voice. The plan of Mr. Fox, (I mean no invidious comparison between the two greatest Statesmen of modern times) which was rejected under the influence of a strange delusion, was, comparatively speaking, sublime. Why not again have recourse to that simple and wise plan, the admirable principles of which were supported by Mr. Burke, Sir Gilbert Elliot (now Lord Minto), and many other distinguished characters in both Houses of Parliament, with the force of British eloquence and the prescience of British wisdom? From this or some such change, the Company and

the public would derive incalculable benefit, and vice and corruption would alone suffer.

Under the actual circumstances of India, men going in official capacities to that country are but temporary tenants of the soil, who wish to make the present crops as productive as possible, having no interest in the permanent improvement of the estate. But the narrow limits that have been put to colonization in India have other pernicious effects to this country. Those who make large fortunes generally return to England, and it is their great ambition to become members of parliament. Now, without thinking worse of these gentlemen than of any other set of men placed in similar situations, I cannot believe that, after having been inured to Asiatic despotism, for ten, fifteen, or twenty years, they are the most fit persons to compose the senate of a free nation, particularly if they have been under the tuition of such governors as your Lordship.

It is for the consideration of the public whether it be wise, in preventing the colonization of Asia, and endeavouring by that means to perpetuate the East India Company's monopoly, to ensure the certainty of converting Britons into Asiatics. These are considerations that cannot be too strongly impressed upon their minds. It cannot have escaped their recollection how much the gradual operation of the wealth, luxury, and cor-

ruption, introduced by the proconsuls of the different provinces, on their return to Rome, contributed to vitiate, and finally to overthrow, the once venerable fabric of Roman greatness. The example should operate as a salutary warning.

The liberties and independence of England, I maintain, have nothing to fear from the power of France, but every thing from the influence of Asia. The freedom which is smothered for a moment by a foreign invasion, may burst forth in all its pristine vigor ; but that, which is extinguished by a gradual debasement of the soil, will not regenerate for ages. To what purpose shall we have expended such enormous treasures, and sent forth such mighty armaments, to prevent the risk of foreign subjugation, if we are to suffer our liberties to be gradually undermined at home ? If we are to be slaves, is it of any consequence who are to be our masters ? But domestic tyranny, if it were not in itself odious, would in the end infallibly prepare us for a foreign yoke.

The necessity of watching the silent and almost imperceptible progress of despotism is thus eloquently expressed by a constitutional writer, to whom the people of this country owe many obligations. " If an honest, and I may truly affirm, a laborious zeal for the public service," says Junius, " has given me any weight in your esteem, let me entreat and conjure you, never to suffer

" an invasion of your political constitution, how-
 " ever minute the instance may appear, to pass by,
 " without a determined, persevering resistance.
 " One precedent creates another. They soon ac-
 " cumulate and constitute law. What yesterday
 " was fact, to day is doctrine. Examples are sup-
 " posed to justify the most dangerous measures,
 " and when they do not suit exactly, the defect is
 " supplied by analogy. Be assured that the laws
 " which protect us in our civil rights, grow out of
 " the Constitution, and they must fall or flourish
 " with it. This is not the cause of faction, or of
 " party, or of any individual, but the common in-
 " terest of every man in Britain."

With respect to the great Eastern portion of
 the British empire, I shall here prove that our po-
 litical constitution has been not only violated in
 minute instances, but that it has been wholly de-
 stroyed. Let us then apply the appropriate re-
 medy to this growing evil. Let us, before it be too
 late, alter the whole system of Asiatic government,
 so as give it a simple, intelligible and useful or-
 ganization, and to establish a precise and deter-
 minate responsibility. Let us, not out of mis-
 placed tenderness for any set of men, wait till, by
 the force of influence and example, every remain-
 ing sentiment of liberty be destroyed in Britain.
 Let us follow the light of history, which shows
 that the best legislative provisions have risen out of
 particular cases, rather than the prescience of man.

It is on these grounds chiefly that I hold it my duty to lay your proceedings before the public, conceiving it of great importance to them to ascertain whether the power of imprisonment, and transportation, which you have claimed the right to exercise over British subjects, as Governor of an Asiatic province, be contrary to law, or, if legal, it should be restrained for the future; and whence you derive your right to violate the British constitution, by imposing previous restraints upon publications? But I have also other objects in reviving the discussion between us. I own I am desirous that those who know the general fact of my expulsion from India, should be made acquainted with the particular circumstances attending that extraordinary measure; and it may be presumed that details, illustrative of the principles upon which mighty empires are governed, are not wholly devoid of interest as matters of historical record.

Let others accuse you of disobedience to the Court of Directors, extortion, misapplication of public money, oppression of native princes, unjust partiality to your relations, and making war contrary to law, for purposes of aggrandisement. These are indeed grievous offences. But in their consequences to the people of England, they dwindle, in my opinion, into nothing, when compared to the enormity of those which the follow-

facts infer. If the twenty millions added to the Company's debt, during your administration, had been all appropriated to your own use, or divided among your partisans; if you had oppressed, banished, or beheaded all the native princes of India, for the purpose of extortion and of aggrandizing the Company's territory; although, morally speaking, these would be great crimes, the legal measure of punishment might be difficult to determine. But when justice and freedom, the natural props of every state, are taken away from an empire, so aggrandized, it stands a colossus with feet of clay, ready to fall upon the parent state, and crush her in its ruins. The consequences are incalculable, and the nature of the crime well understood. I wish, my Lord, this was only declaration. But unfortunately the case is too well made out. You have destroyed liberty, and violated justice in our great Eastern empire. The fact, the precedent, and their whole enormous chain of consequences, are already operating with secret but accumulating force against the liberties and the constitution of this country, and rapidly undermining their foundation. The reflux of Asiatic despotism, if we do not oppose an immediate resistance to the torrent, will overwhelm us in irretrievable ruin.

When it becomes necessary to accuse of high crimes and misdemeanours a man who has held high offices in the state, I feel the ungraciousness

of the task, and undertake it with reluctance. But a paramount duty imposes it, and I shall perform it to the best of my ability. On such occasions, it is usually one of the first questions asked by the public, What are the motives of the accuser? And although motives cannot affect the truth of facts, and are seldom easily ascertained, yet this curiosity, as originating in a wish to prevent the operation of prejudices against persons under the imputation of crimes, is in itself laudable, and ought therefore to be gratified. It seems also due to myself that I should on this point enter into some explanation.

Men of slavish minds, consulting their own breasts as the only standard of human sentiment, are incapable of conceiving that such a thing as public spirit can exist. According to them, every charge of state delinquency must originate in motives of interest, prejudice, or passion, taking these words in their ordinary, not in their strict philosophical acceptance. But such monstrous doctrines are unfit for a community of free men. A people by whom sentiments so degrading can be entertained, are already more than half enslaved: they are at least, *homines ad servitutem paratos*.

Your partisans, my Lord, will no doubt be cautious how they insult the understandings of the people of England, by setting up this mode of defence. Allow me by the way to observe

(for really I am not, excepting upon public grounds, your enemy), that, from what we have already seen of their conduct, the indiscretion of your adherents is likely to produce the worst effects of enmity. The attempt to throw obstacles in the way of an inquiry into your administration, without the possibility of succeeding, can have no other tendency than to increase the suspicion of delinquency in the public mind ; and you will come to your trial under an undue weight of prejudice superadded to any proofs of real guilt.

That there is in effect a wide difference between wellwishers and friends, is a truth of which if you are still ignorant, you will probably soon have abundant experience. The senatorial exertions of your relations, and of the gentlemen of the law, although doubtless well intended, are by no means calculated to turn the popular prejudice in your favour. The public, however they may excuse the partiality of the former, will not easily give credit for disinterestedness to the volunteer defences of the latter. In proportion as they regard the professional exertions of these gentlemen as respectable in their proper courts, they will consider their extra-official advocacy as liable to suspicion and doubt. If in your own purity, my Lord, we had even a guarantee for theirs. we have still a very high authority (that of Mr. Burke) for believing that the lawyers are,

on another principle, naturally hostile to parliamentary inquiry and impeachment.

But parliamentary inquiry, and impeachment, I conceive to be the only proper mode of proceeding on the offences with which you are charged. It will be for your Lordship to determine whether, if the lawyers persist in defending you by anticipation in parliament, they will not ruin your cause with the people, whose opinions, I trust, are not yet to be slighted with impunity. If I were personally your enemy, my Lord, nothing could give me greater satisfaction than to observe the modes of defence which have been resorted to by your adherents of various descriptions. But, far from wishing you a punishment one degree beyond what I, in my conscience, believe your offences against the constitution of this country constitutionally require, I should be even sorry to see the public indignation aroused, by the indiscretion of your partisans, beyond the strict limits of justice, and the current of popular opinion rush against you with too unrelenting a fury. Indeed, my Lord, if you will condescend to look back to the period of our correspondence, you will be sensible that, had you profited of the lesson of moderation, which I gave you, only one month after your arrival in India, by your constitutional resistance to your will, you need not be in that situation of peril, in which, if all sentiments of political liberty be not extinguished in

England, you must shortly stand. You will then perhaps have cause to lament that, instead of treating me as an enemy (and an enemy too who had no chance of being able to inflict retaliation), you did not perceive that I was in effect your best friend. I had not, in fact, an opportunity of imbibing the smallest particle of enmity, or even prejudice against you ; for until you appeared as Governor-General of India, I was as ignorant of your existence as you was probably of mine. The incipient measures of your government, although enveloped in mystery, had not excited more than doubt ; and your attack upon myself was I believe the first strong act of your administration. During our official intercourse, I still remained, in respect to your person, as ignorant as an honourable and learned gentleman * lately took occasion to declare himself in the House of Commons ; and I have not since had an opportunity of taking exception at a single feature or lineament of your countenance. Under these circumstances, it will not I trust be deemed too presumptuous that I should claim credit with the public for being, in respect to your Lordship, precisely in that unbiassed state of mind so eloquently depicted, in his maiden speech, by the honourable and learned gentleman alluded to, with perhaps this difference, that I have experienced how very possible it is to feel the force of your influ-

* Mr. Garrow.

ence, without having any knowledge of your person.

If I should be accused by your partisans of acting from motives of resentment, founded on a deep sense of injury, I do not know that it would be very necessary for me to repel the charge. Mr. Seldon, when he was arbitrarily imprisoned by an order of King Charles I. retained his resentment twenty-four years after his liberation. But there is a wide difference between entertaining a legitimate resentment and gratifying an useless revenge. There is besides, if you are yet to learn it, in the minds of free men, a resentment for public wrongs—a resentment for liberty violated, which they cannot and ought not to relinquish. If, after the lapse of centuries, we still remember with indignation the conduct of men much less tyrannical, and much more excuseable, than your Lordship, surely we may be permitted, merely as members of the community, to retain some gentle sparks of indignation against public measures, which we have seen and felt after a lapse of only eight years, and which we are likely to feel in their remotest consequences.

If there was no possibility of your Lordship ever having an opportunity of acting upon your own confessed principles of government in public life; if there was no possibility of my coming, as a subject of this country, again in collision with those principles; if there was no possibility that

future governors should act upon the precedents you have established, or that the despotism of Asia should in the end swallow up the liberties of Britain; I should most willingly consign the whole affair to an everlasting oblivion, for indeed my time might be much more profitably as well as more agreeably employed than in the discussion. To undertake the labor and expence of laying this detail before the public, if there were no other motives than the gratification of an useless revenge, would, after such an interval for deliberation, be a strain of folly which even you, my Lord, will scarcely impute to me, knowing as you must do, that, after the experience I have had, nothing but a firm conviction of right could induce me coolly to re-enter the lists against so formidable an antagonist.

Those who know me intimately will not, I believe, doubt my sincerity, when I declare that, far from considering the political duties of the individual as limited to himself and his acquaintances, I should not have remained an indifferent spectator to the violation of any principle of the British Constitution, in the person of a man whom I had never seen. I well know the disadvantages of indulging such sentiments in these times. But if men did not frequently act upon them, even at the expence of their interests, and prospects in life, the country would be in a most deplorable situation indeed. For my part, so strongly am

I impressed with the advantages and necessity of animadverting freely on the conduct of public men, that I would not relinquish the right of discussing the extraordinary pretensions of your Lordship, were I sure of incurring the penalty of being re-banished from England to Bengal.

It is this thorough conviction of the obligations incurred by every individual in Great Britain, to maintain the laws and constitution of his country in general, in return for the protection which they afford him, and to support his own rights in particular as a part of the common stock, together with a due sense of the utility and glory of preserving, and of the injury and dishonor of losing, our liberties, which impel me to appear as your accuser; a duty which, however repulsive, I should feel for ever dissatisfied with myself if I neglected to perform.

To exclusive sentiments of patriotism, however, I make no pretensions; for notwithstanding what has been done, for the last twenty years, especially by Asiatic influence, to destroy those sentiments in England, I am persuaded that what I feel and entertain for freedom and for just laws is equally in common with millions of my fellow-subjects; and nothing less than their acquiescence with those tyrannical and ruinous measures, will I shall convict your Lordship, can convince me to the contrary.

CORRESPONDENCE,

&c. &c.

ON the 23d and 24th of April, 1798, a paragraph was inserted in two Calcutta newspapers, the *India Gazette* and the *Hircarrah*, announcing the death of Mr. Allan Maclean, said to have been killed in a duel at Benares. On the 27th of April, I received a letter from that gentleman, dated at Monghyr, the 20th of the same month, which circumstance, as the distance from Benares to Calcutta is eight or ten days journey, rendered the report of his death, published there on the 23d, an evident fiction. In order to prevent the alarm which this unfounded report would occasion to Mr. Maclean's relations, I wrote, immediately upon the receipt of his letter, a note to the editor of the following day's newspaper, requesting him to contradict it. That note gave rise to my subsequent correspondence with the Governor General in Council of British India, which terminated in my expulsion from that

that country; and, as having formed the sole ground of that extraordinary proceeding, will be considered a curious document.



No. II.

To the Editor of the Telegraph.

SIR,

I request you will contradict the account which, through some very gross misinformation, was inserted in the last *India Gazette* and *Hircarrah*, announcing the death of Mr. Allan Maclean, said to be shot in a duel at Benares. I this day received a letter from that gentleman, mentioning indeed some circumstances, which, if his antagonist had not possessed an uncommon degree of prudence, might have led to that catastrophe; but I am happy to add, that the only disagreeable effects of the rencontre have arisen from the interference of the magistrate of Gauzeepore, whose conduct, upon this occasion, I will take a due opportunity of appreciating.

I am, Sir,

Your obedient Servant,

CHARLES MACLEAN.

Calcutta, April 28, 1798.

The circumstances of misconduct on the part of the magistrate of Gauzeepore, above alluded

to, are thus detailed in the following extracts of letters from Mr. Maclean.

No. III.

Extract of a Letter, dated Monghyr, 20th April, 1798.*

“I am thus far on my way to Calcutta, under a guard of a havildar, naick, and twelve scapoys. My confinement and treatment, since the 25th ultimo, have been not only unprecedented, but most unwarrantable and ignominious; all for a private quarrel between Mr. D’Aguilar and me. The particulars are as follows.”

[In order to render the detail perspicuous, it will be necessary to premise, that D’Aguilar and Maclean had, for several years, been joint proprietors of an indigo work; and that, in the management of it, subjects of disagreement had latterly arisen, which were, by mutual consent, referred to the decision of arbitrators.]

“On the 19th ultimo, during my absence (at Benares,) I was informed that Mr. D’Aguilar intended coming to take charge of the concern, and forcible possession of my house. This disagreeable information induced me to set off home

* At this place Mr. Maclean was released from confinement, by order of government, so much was the conduct of the magistrate of Gauzeepore virtually disapproved of, even by themselves.

with all expedition. I rode from Benares, about seventeen coss, in the night, and arrived only a few minutes before Mr. D'Aguilar, greatly fatigued and irritated, not only at his former persecuting treatment of me, but particularly his attempt to dispossess me of my house, which I was determined to resist at the hazard of my life. He also, a few days previously, added insult to injury, by writing me, 'he conceived me beneath his notice.' These were things which, had I tamely submitted to, I should justly deserve to be turned out of society and my character despised. Wishing, however, if possible, to avoid a personal quarrel, and to have our disputes settled as we had both agreed to, I sent Mr. Watt, a friend of Mr. D'Aguilar's, to endeavour to dissuade him from coming near me, as, if he did, I should most certainly be under the necessity of insulting him. Mr. Watt delivered my message, and Mr. D's own servants begged of him not to come near me, which he paid no attention to, but walked up to the verandaw, where I was standing. I demanded an explanation of his letter, &c. which not proving satisfactory, I insulted him. He attempted to strike me, and, in defending myself, I hit his nose, which bled. Upon this he called out to his servants to seize me, which they actually were doing until prevented by my people. After the scuffle was

over, I offered him instant gentlemanly satisfaction; but, instead of accepting my offer, he rode off to the magistrate and swore against me.

“The magistrate, though not a justice of the peace, without ceremony, or hearing any thing I had to say in my vindication, committed me to prison; would not admit me to bail; would not indulge me a few hours to go home and look after my property, notwithstanding I offered him any security he might approve of; and would not take the deposition of my witnesses, on oath, which I publicly called upon him to do, representing to him the accidents, such as their de-
cease, &c. which might deprive me of them in Calcutta, besides the great expence to me of being obliged to bring them with me. I ought also to have observed, that, instead of acting independently, in his public capacity, or consulting the Nizamut Adawlut, relative to the steps he should take, he wrote to the Benares appeal judges, who have no right to interfere, for instructions, and Mr. Treves (one of these judges) being a party concerned with D’Aguilar in the indigo works, of course gloried in any opportunity of accomplishing the object he long ago had in view, of turning me out of the works; and made out a letter, which he and Mr. Cherry jointly signed, peremptorily ordering the magistrate to send me in confinement to Calcutta, and

that he had no other alternative or option in the business. Mr. Neave, another of the appeal judges, was absent, and highly disapproved of their conduct.

“Major Macrae, Captains Macleod and Cameron, and the Reverend Dr. Mackinnon of the 76th regiment, publicly applied to the judge of Patna for my release, offering themselves securities for my appearance in Calcutta. But he declined interfering with the orders of the Gauzeepore magistrate.”

No. IV.

In another letter of the 11th of June, 1798, after having been released by order of government, and having returned to Benares, Mr. Maclean writes: “I ought in the statement to have observed, that Mr. Rider, the magistrate of Gauzeepore, sent me down in a common pattella, or baggage boat, without a decent chupper*; and that, though she was already so lumbered that I could hardly move, he gave strict orders to the havildar of the guard to keep no less than four seapoys over me—enough for a criminal guilty of murder. In this boat was I confined for upwards of a month, exposed to wind and weather, sitting all night in the rain, and ready to jump

* Chupper is a covering, or roof, to ward off the sun and rain.

over board, expecting the boat to be dashed to pieces by the severe north westers, prevalent at that time of the year. You may easily conceive how disagreeable and mortifying such a situation must have been. Indeed, my health suffered greatly from vexation of mind as well as fatigue of body, and I got a deafness which I am as yet hardly clear of.

“On my return, Mr. Rider made no enquiry after me, nor offered to this moment to make any compensation or apology for the injuries and indignity I have sustained; screening himself on the ground of having acted, not from his own conviction of the propriety of the measure, but agreeably to the order of the appeal court.

“I hear that Dr. — wrote you to suppress the intended representation to the public; this he did because he was living at Mr. Rider’s, who wrote down to the board* to interfere, and to prevent your inserting it. The doctor is a particular friend of Mr. D’A—’s; it is not, therefore, likely that any thing you may write him can have effect. Should you have occasion to mention Mr. Dick’s name, the register to Mr. Rider, I beg you will do so in the most friendly terms; for he paid me every attention in my confinement, and regretted much he could take no effectual steps in my behalf, on the occasion.”

* Consisting of the Governor General and Council.

P. S. "Penalty bonds are sent up to be executed by all indigo planters in this district—for the first complaint in court 500 rupees, and for the second to be ordered to Calcutta. This is in consequence of Mr. D'Aguilar's mean conduct in complaining, and the noise it has made."



The applications made to government, in consequence of the part I took (letter No. II.) in the case now described, occasioned the following correspondence.

No. V.

To Mr. Charles Maclean.

SIR,

JUD. DEPARTMENT.

A representation having been made to government respecting a letter which was published in the *Telegraph* of the 28th of April last, under your signature, I am directed by the Right Hon. the Governor General in Council to inform you, that his lordship considers the insinuation in your letter, with regard to the conduct of the magistrate of Gauzeepore, to be highly improper, and that he accordingly requires that you submit to government an immediate and satisfactory

apology for having published the letter in question.

I am, Sir,

Your obedient humble servant,

(Signed) H. ST. G. TUCKER, Sub-sec.
Council Chamber, June 1, 1798.

To which I returned the following answer.

No. VI.

To Henry St. George Tucker, Esq. Sub-secretary.

SIR,

I have to acknowledge the receipt of your letter of the 1st instant, intimating the desire of the Right Hon. the Governor General in Council, that I should submit to government an immediate and satisfactory apology for the insinuation, with regard to the conduct of the magistrate of Gauzeepore, contained in my letter published in the *Telegraph* of the 28th April last, which the Right Honourable the Governor General in Council considers as highly improper.

In answer, be pleased to acquaint the Right Honourable the Governor General in Council that, as my insinuation can be proved to be well founded, I must beg leave to decline making the apology required.

Having reason to believe that the editor of

the *Telegraph* has been written to on the same subject, I beg leave to state, that I alone am responsible for the transaction, having solicited the insertion in the *Telegraph* of the letter in question, for no other reason than that it was the next paper for publication.

I am, Sir,

Your obedient humble servant,

(Signed) CHARLES MACLEAN.

Calcutta, 10th June, 1798.

Believing that the Governor General in Council could not, upon reflection, but perceive his error, I imagined the matter would of course drop here. Anxious, however, to act with all possible circumspection, in a case of so delicate a nature, in order to prevent every fresh occasion of reviving the dispute on my part, I wrote to the editor of the *Telegraph* as follows.

No. VII.

DEAR SIR,

I have had a letter from government, requiring an apology for having published a letter in the *Telegraph*, in April last, respecting the conduct of the magistrate of Gauzeepore, in the case of Mr. Maclean and Mr. D'Aguilar. I perceived that there was also a letter addressed to you upon the same subject.

I have returned an answer, declining to make any apology, and at the same time declaring, that I solely am responsible for the insertion of that letter in the *Telegraph*, having solicited you to give it a place for no other reason than that your paper was the next for publication.

As this is a delicate subject, may I beg to be favoured with a copy of the answer, which you may have already sent, or intend to send, to the Governor General in Council?—My reason for making this request is an anxiety that your answer, whilst it transfers the whole blame from yourself, as it properly may, should be couched in such terms as not to lay me under the necessity, unless called upon, of giving any farther explanation.

I am, &c.

To which I received the following answer.

No. VIII.

DEAR SIR,

I have sent in an apology for both letters*—but know not if it will be accepted.

* Viz. No. I. and an anonymous letter, also upon the same subject, inserted in the *Telegraph*, but which, as it was not written by me, nor with my knowledge or consent, does not appear to have any necessary connection with this correspondence, and is therefore here omitted.

I was desired to give the reason for publishing them—I answered thus—

“I beg to assure you, Sir, I had no reason for publishing these letters, but that of conceiving it to be within the line of my duty to the public. The first letter being signed by Mr. M'L. I could not well have refused to publish, as by his signature he took upon himself all responsibility. The other letter, I was assured, gave a correct account of a public transaction that had been misrepresented, and as such I published it.”

Yours, &c.

H. M. KENLY.



That this apology, however, was not accepted by the Governor General in Council, will appear evident, from perusing that which was really published, viz.

No. IX.

Apology by the Editor of the Telegraph.

“The Editor, from error in judgment, having inserted a letter in the Telegraph of the 28th of April, under the signature of CHARLES MACLEAN, and also a subsequent letter on the same subject, in the Telegraph of the 12th May, signed HABEAS CORPUS, and the terms of both the said letters

appearing to him, on reconsideration, to be extremely improper, he is induced to apologize for having published them; particularly as the writers of the said letters have assumed a privilege of animadverting, through the medium of a public print, upon the proceedings of a Court of Justice, and of censuring the conduct of a public Officer, for acts done in his official capacity."



About a month after the receipt of my letter, declining to make an apology, the Right Honourable the Governor General in Council thought fit to communicate to me his resolution that I should return to Europe, in the following words:

No. X.

To Mr. Charles Maclean.

SIR,

PUBLIC DEPARTMENT.

I am directed by the Right Hon. the Governor General in Council to inform you, that he has resolved, in pursuance of the powers vested in him by acts of parliament, to require you, as residing here without licence, to return to Europe by the extra ship *Mildred*, now under dispatch.

The Right Hon. the Governor General in Council further requires, that you give good and substantial security for complying with his requi-

sition, and he has issued orders to Captain Mouggach to secure your person, and to detain you until you shall have given the security required.

I am, Sir,

Your most obedient humble servant,

(Signed) D. CAMPBELL, Sub-sec.

Council Chamber, July 9, 1798.

Having got private information of the intentions of government, before I received their official letter, I shut my door, and took such other precautions as I deemed necessary, to prevent their seizing my person, before I should have time to enter into an explanation with them upon the subject.

A few days having elapsed, before I could determine on the answer which I should give to the letter (No. X.) of the Governor General in Council, I received the following note from Captain Mouggach, whose followers were, during the interval, employed to watch my house.

No. XI.

To Mr. Charles Marlean.

SIR,

I have to request that you will inform me, by a line, whether you have answered the public letter from government, under date the

9th inst. and if you have taken the necessary measures to give the required security.

I am, Sir,

Your most obedient servant,

(Signed) J. MOUGGACH,

12th July, 1798.

Captain, Town-Adjutant.

No. XII.

To Captain J. Mouggach, Town-Adjutant.

SIR,

In reply to your note of this morning, I beg leave to acquaint you, that I am now preparing an answer to the letter of government, dated the 9th inst. and expect it will be ready to-morrow forenoon.

It should have been forwarded sooner, but that the affair is of an importance which requires much deliberation.

I remain, Sir, .

Your most obedient servant,

CHARLES MACLEAN.

Respecting the propriety of resisting a most enormous misapplication of a most unconstitutional law, there was, in my mind, no question. The *mode* of resistance formed the only subject of deliberation. That being determined upon, I sent, on the following day, my answer.

No. XIII.

To D. Campbell, Esq. Sub-secretary, &c.

SIR,

I have to acknowledge the receipt of your letter of the 9th instant, intimating the requisition of the Right Honourable the Governor General in Council, that I should return to Europe by the extra ship *Mildred*, now under dispatch; and, in the mean time, give good and substantial security for my compliance with his order.

It will not, I hope, be deemed disrespectful to government, that, whilst they are pleased to adopt measures which must deprive me of every means of subsistence, and destroy all my present prospects in life, I should request them to assign the grounds of so severe a proceeding; and thus afford me an opportunity of explaining whatever circumstances may have given them an unfavourable impression of my conduct.

But should they have determined, at all events, to enforce their resolution against me, without acquainting me with their motives, or, should the explanations, which, after knowing them, I could give, be deemed unsatisfactory, I beg leave, previous to a compliance with their orders, to state some circumstances peculiar to my situation, which I have no doubt the Right Honourable the Governor General in Council will find not unworthy of his consideration.

Some time ago two gentlemen became bail for me in a sum of money; and as I have no means of exonerating them, but such as my continuance in this country would afford, it becomes my duty to represent, to the Right Honourable the Governor General in Council, the injury which my being sent to Europe would occasion to individuals, certainly not implicated in any offence that I may be supposed to have committed.

I am besides a married man.—Trusting it is not the wish of the Right Honourable the Governor General in Council to part me from my wife, and being, by the present measure, deprived of all my resources, I hope it will not be deemed unreasonable in me to expect, that the Right Honourable the Governor General in Council should order a passage to be provided for her, with suitable accommodations.

With respect to the security required, having already given that of the two gentlemen above alluded to, for my personal attendance, on the 25th of October next, at the Supreme Court here, I submit, with deference, how far I can, with propriety, ask security that I shall return to Europe before that period.

I am, Sir,

Your obedient humble servant,

CHARLES MACLEAN.

Calcutta, 12th July, 1798.

The day after my answer (No. XIII.) was delivered to the Right Honourable the Governor General in Council, I received private information that orders had been issued to Captain Mouggach, to permit me to remain in my house, until the Mildred should be on the eve of sailing; then to force open my door, and to carry me on board of that ship. This notice, however, being non-official, and a state of suspense, in such a case, being both irksome and inconvenient, I determined, after some days were elapsed, to make an effort, either to get an answer to my letter of the 13th, or to procure other official information respecting the intentions of government. With that view I wrote the following note.

No. XIV.

To D. Campbell, Esq. Sub-secretary, &c,

SIR,

May I beg to be informed if you have had an opportunity of laying before the Right Honourable the Governor General in Council my letter of the 13th instant, and if he still persists in the intention of sending me to Europe by the Mildred.

I have the honour to be,

Sir,

Your most obedient servant,

CHARLES MACLEAN.

Calcutta, 17th July, 1798.

In answer I received a *salaam* (compliments) from the secretary.

From the 9th to the 20th of July I kept my door almost constantly shut, went on with my business, as well as the nature of such a situation would permit, and awaited patiently the result.

Early on the morning of the 20th I received the following note.

No. XV.

To Mr. Charles Maclean.

SIR,

I send you this to apprise you, that I have a full answer to your letter addressed to government, dated the 13th instant, and to acquaint you that I shall call myself with it in the course of this forenoon. In the mean time I have to observe, that there will be no occasion for your concealing yourself from me, as a security is only required for your fulfilling the contents of the letter which I shall deliver to you, and which security I am well assured you have in your power to give on the shortest notice.

This business being settled, it will free you from all restraint, or fear of being apprehended

in the streets, which might be the case should matters remain unexplained.

I am, Sir,

Your most obedient humble servant,

(Signed) J. MOUGGACH,

Captain, Town-Adjutant.

Fort William, Town-Adjutant's Office, 20th July, 1798.

My answer to the above.

No. XVI.

To Captain J. Mouggach, Town-Adjutant, &c.

SIR,

Before I received your note of this morning, I had resolved to write to you to-day, intimating that I should be ready, at three o'clock to-morrow afternoon, to deliver myself into your custody, or to take such other steps as the government may direct, in order to ensure a compliance with their first requisition.

But as I am ignorant of what may be the contents of the letter which you now have to deliver to me from government, and cannot, therefore, judge how far it may be proper in me to comply with their present wishes, I must be excused from consenting to a personal conference to-day, unless you previously assure me, upon your honour, that I shall not be molested, if I

should be unable to assent to the propositions which you may have to make.

On my part, I beg leave to assure you that, far from intending to evade, I am preparing, with as much speed as possible, to comply with the orders of the Right Hon. the Governor General in Council, to return to Europe by the *Mildred*.

Should you, in the mean time, have any thing to communicate, by a note, I shall be happy to attend to it; and I have to express my regret, that it has been necessary for me to give you personally so much trouble.

I remain, Sir,

Your most obedient humble servant,

CHARLES MACLEAN.

Calcutta, 20th July, 1798.



About twelve o'clock of the same day, Captain Mouggach called at my house, and after promising, upon his honour, that he would not molest my person, was admitted. He gave me the following letter:—

No. XVII.

To Mr. Charles Maclean.

SIR,

PUBLIC DEPARTMENT.

In reply to your letter of the 13th instant, I am directed by the Right Hon. the Governor

General in Council to acquaint you, that he has thought it proper to require you to return to Europe.

Firstly. For publishing in a newspaper a letter, containing an insinuation of improper conduct on the part of one of the public magistrates in the discharge of his duty, and when called upon to make an apology for that offence, refusing, in the most disrespectful terms, to make such apology.

Secondly. Because the Governor General in Council finds that you are the same person whom government before ordered* to return to Europe, in consequence of your having quitted the ship to which you were attached, and remained in the country without permission; an order which could not be enforced, from your having removed yourself out of the reach of the officers who were directed to execute it.

In consideration of the circumstances stated in your letter, the Governor General in Council

* This order was founded on misrepresentation; several thousand persons were similarly situated in India, pursuing their respective employments without molestation. I was, for near four years after the order alluded to was issued, a constant resident in the town of Calcutta. I am, therefore, at a loss to understand why the order, if the explanation given had not proved satisfactory, was not enforced by any of the preceding governors. This subject is fully explained in a subsequent letter of Captain Hudson, No. XIX.

will allow you to remain in the country until the 25th of October next, provided that you immediately give satisfactory security to proceed to Europe, on any ship which may sail after that date, and on which he may require you to embark.

The Governor General in Council can have no intention of separating you from your family, and a charter-party passage will be allowed you both on the ship on which you may be ordered to embark, agreeably to the established usage on such occasions*.

I, am Sir,

Your most obedient humble servant,

(Signed) D. CAMPBELL, Sub-sec.

Council Chamber, July 19, 1798.

* From this it might be supposed, that to send ladies to Europe, as charter-party passengers, was a very common occurrence; but it is more than probable, that such an instance never happened before in India: at least I have not been able to find a precedent exactly in point. The accommodations of a charter-party passage are, room to swing a hammock, among the sailors, and a certain daily allowance of salt beef, biscuit, and spirits. Now, whether such accommodations have been offered by any former governor general to a lady, I very much doubt. If not, what becomes of the established usage on such occasions? But even if the precedent could be produced, precedent alone cannot justify an act of indecency any more than an act of oppression.

No. XVII.

To D. Campbell, Esq. Sub-secretary, &c.

SIR,

I have received your letter of the 19th instant, stating the reasons of the Right Honourable the Governor in Council for requiring me to return to Europe.

In answer to the first, be pleased to inform the Right Honourable the Governor General in Council, that I refused to make an apology for the insinuation of improper conduct on the part of the magistrate of Gauzeepore, contained in my letter of the 27th April last, published in the *Telegraph*, not only from a thorough conviction of its truth, but also because such apology might operate unfavourably towards my friend, Mr. Allan Maclean, in his endeavours to procure redress for a series of the most ignominious oppression, perhaps, ever exercised upon a British subject in India;—endeavours in which I was, and am still, determined to support him, by all the means in my power. If the terms of my refusal have seemed to convey disrespect, I can only say, that it was not in the smallest degree intended; and I am even convinced, that, upon a reconsideration of my letter, it will appear so to the Right Hon. the Governor General in Council himself.

Respecting the second charge, I beg leave to state, that the order of the former Governor General in Council, for my return to Europe, was founded upon a misrepresentation of the manner in which I had quitted the ship I was attached to; and that the explanation given was such as induced him not to enforce that order. What was then submitted in my justification has been since confirmed, beyond a doubt, by the acknowledgments of Captain Hudson, of the Houghton, which I have the honour to inclose for the information of the Right Hon. the Governor General in Council.

Should the Right Honourable the Governor General in Council, after what I have stated, persist in his intention of sending me to Europe, I request you will be pleased to inform him, that having, since my letter of the 13th instant, given indemnification to the two gentlemen who had become responsible for my appearance in the Supreme Court on the 25th of October, I am now as ready to comply with his requisition as I can be at any subsequent period; and that I cannot, in any case, think of troubling my friends to make themselves answerable for my conduct.

With respect to the charter-party passage which the Right Honourable the Governor General in Council has been pleased to propose for my wife, as that kind of passage is subject to in-

conveniences which I cannot permit her to share, I prefer the alternative of leaving her behind; and must, therefore, be permitted to decline the offer.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) CHARLES MACLEAN.

Calcutta, 23d July, 1798.



Attested copy of Captain Hudson's letter, inclosed in the above.

No. XIX.

To Charles Maclean, Esq.

SIR,

I am favoured with yours of yesterday: in answer thereto I am ready to declare, that I understand the cause of your having quitted the *Houghton*, of which ship you were surgeon, on her former voyage to Bengal, to have been entirely owing to indisposition, which rendered you unable to go on board, and, to the best of my knowledge, the official letter transmitted through the pilot to the Governor General was to that effect; and therefore, if you were reported run on the ship's books, it must have been owing to mistake, which happened without my

knowledge, and consequently without any orders given to that effect by me. On this head I shall be ready to afford the fullest explanation to any friend of yours in England, and I shall be happy to do any thing in my power to remove any difficulty or objection that may have occurred from any misrepresentation that may have been made, relative to the cause of your having quitted the *Houghton*, on her late voyage to Bengal.

The company's medical journal was continued on board the *Houghton* by Mr. Carmichael, who acted as surgeon on the passage home. It was the same journal that had been begun by you, and was regularly signed by me as commander of the ship.

I am, Sir,

Your most obedient servant,

(Signed) ROBERT HUDSON.

Calcutta, Nov. 23d, 1797.

Matters had now arrived at such a crisis, that, as government seemed ashamed to recede from their pretensions, and as I should have thought it an unpardonable dereliction of principle to have receded from mine, it appeared inevitable that I should return to Europe.

Having, under that impression, given up my house at the termination of the month of July, on the 3d or 4th of August I met, by appoint-

ment, Captain Mouggach, the town-adjutant, at a tavern, where, having received from him the following letter, I delivered myself up into his custody.

No. XX.

To Mr. Charles Maclean.

SIR,

PUB. DEPART.

I am directed to acknowledge the receipt of your letter of the 23d instant, and to acquaint you, that instructions have been issued to the commander of the Honourable Company's ship *Busbridge*, to receive and accommodate you with a charter-party passage to England, and to desire that you will immediately prepare to embark on board that ship instead of the *Mildred*.

The town-adjutant has received orders to conduct you immediately on board the *Busbridge*, unless you will give good security to repair to that ship in due time; and her commander has been informed that he will be held responsible for the security of your person until his arrival in England, when he is permitted to release you.

I am, Sir,

Your most obedient humble servant,

D. CAMPBELL, Sub-sec.

Council Chamber, 30th July, 1798.

From the tavern I was conducted into Fort William, and from thence on board the ship Busbridge, at Saagor Roads, whose commander had received the underwritten instructions concerning me.

No. XXI.

To Captain Dobree, or the commanding Officer on board the Honourable Company's ship Busbridge.

SIR,

PUB. DEPART.

You are hereby directed to receive on board the ship under your command, and accommodate with a passage to Europe, Mr. Charles Maclean, with his necessaries.

The passage money of Mr. Maclean, who proceeds on the terms of charter party, will be paid by the Hon. Court of Directors.

The Hon. Governor General in Council directs me to signify to you his most positive commands, that particular care be taken to prevent the escape of Mr. Maclean from the Busbridge, from the period of his embarkation to that of the ship being quitted by the pilot, or by any subsequent opportunity that may happen in the course of the voyage; and to acquaint you, that you will be held responsible for the security of his person, until his arrival in England, when you will discharge him, giving due notice of the same

to the secretary of the Honourable Court of Directors.

I am, Sir,

Your most obedient humble servant,

(Signed) D. CAMPBELL, Sub-sec.

Council Chamber, July 30th, 1798.



Regulations respecting the publication of Newspapers, viz.

1. Every printer of a newspaper to print his name at the bottom of the paper.

2. Every editor and proprietor of a paper to deliver in his name, and place of abode, to the secretary to government.

3. No paper to be published on a Sunday.

4. No paper to be published at all, until it shall have been *previously inspected by the Secretary to the Government*, or by a person authorised by him for that purpose.

5. The penalty for offending against any of the above regulations to be *immediate embarkation for Europe*.



*Rules for the guidance of the Secretaries to Government
in revising the Newspapers.*

To prevent the publication of,

1. All observations on the *state of public credit*, or the *revenues*, or the *finances*, of the Company.
2. All observations respecting the embarkation of troops, stores, or specie; or respecting any naval or military preparations whatever.
3. All intelligence respecting the destination of any ships, or the expectation of any, whether belonging to the Company or to individuals.
4. All observations with respect to *the conduct of Government*, or *any of its officers, civil or military, marine, commercial, or judicial*.
5. All private scandal, or libels on individuals.
6. All statements with regard to the *probability of war or peace* between the Company and any of the native powers.
7. All observations tending to convey information to an enemy, or to excite alarm or commotion within the Company's territories.
8. The republication of such passages from the *European newspapers* as may tend to *affect the influence and credit of the British power with the native states*.

LETTER XXII.

TO THE MARQUIS WELLESLEY, &c.

On his new and extraordinary Doctrines, that Magistrates can do no wrong, and that apologies to a Governor are a sufficient atonement to the offended laws of the country; and on his union of the judicial with the executive authority.

“The freedom of writing and speaking upon the topics of government and its administration” (in which I must presume the subordinate as well as the more dignified magistrates are comprehended) “has ever been acknowledged, by our greatest statesmen and lawyers, to be the principal safeguard of that constitution, which liberty of thought originally created, and which a free press for its circulation gradually brought to maturity.” *Erskine’s Declaration on the Liberty of the Press.*

MY LORD,

In order to enter fully into the merits of the case between us, it becomes necessary to undertake the irksome task of analysing the preceding correspondence. The first notification with which I was honoured by your command, (No. V. page 40) was dated the 1st of June, 1798. In this letter, you, my Lord, in requiring an apology for an insinuation of improper conduct against a magistrate, was doing that which you must have known you had no right to do; the demand was therefore not only illegal, but arbitrary, capricious, and tyrannical; and on these grounds ought to have been

resisted, even if my insinuation had been groundless, and the magistrate innocent. If every line of my letter had been libellous, seditious, or even traitorous, you could have no right to require an apology. If I had really committed a crime, by what act of the legislature could an apology made to a Governor General of India be deemed an atonement to the offended laws of my country? But that my insinuation could be *more than justified*, and that the magistrate *knew himself to be exceedingly culpable*, as well as exceedingly ignorant, are obvious from Mr. Maclean's letters to me (No. 3. and 4. p. 35. 38.), and from the great anxiety of the magistrate himself to suppress my promised appreciation of his conduct, in palliation of which he even got a friend of mine to write to me from his house at Ghauzeepore.

If you did not know that your demand was illegal, why did you not endeavour to enforce it by legal means? If you did not know that the magistrate was culpable, why did you not leave him to take his remedy by the ordinary course of law? But in a legal or constitutional view, the guilt or innocence of the magistrate, or of myself, are things indifferent. The principle extends much beyond the merits or demerits of individuals. *Under any circumstances*, such an interference, on the part of a Governor, is an usurpation of the judicial function, by the executive power, of which the constitution of this country

does not admit. Is it not besides a gross insult to the judges of the supreme court of judicature at Calcutta, and to the persons who usually compose juries there, for any Governor, in any case, to take the law into his own hands? Were these judges and these jurors deemed by your Lordship incapable of fairly trying an offender against the laws of the country? Or were you apprehensive that, in this case, they would not inflict the precise measure of punishment which was agreeable to you? Such apprehensions would in reality be the highest possible eulogium on the courts of judicature in India, the establishment of which has conferred such immense benefits on the inhabitants of that country.

Thus it stands clearly proved, if I be not widely mistaken in the nature of proof, that you, my Lord, did wantonly unite, in your own person, the judicial with the executive authority, in violation of one of the fundamental principles of the British constitution; and I am now going to prove that you committed this violation of the constitution, this usurpation of the rights of the supreme court of judicature, for the express purpose, in the first instance at least, of shielding, with the strong arm of power, an individual magistrate from censure, for having, in the exercise of his authority, committed illegal, oppressive, and scandalous acts; in effect asserting a general principle that magistrates can do no wrong.

Your secretary (No. 5. p. 10.) expressly states that it was in consequence of a representation to Government (from the magistrate of course) that he was directed to write to me. Mr. Maclean informs me (No. 4. p. 38.) that the magistrate had written to the Supreme Board, complaining; and I received a letter from a friend, written from the magistrate's house, dissuading me from publishing the promised appreciation of his conduct. Five weeks afterwards, I receive another letter from your secretary (No. 10. p. 45.), requiring me to return to Europe, your emissaries at the same time making an attempt, which I frustrated, to seize my person. From all these circumstances, and from the very terms of your subsequent explanatory letter (No. 17.), as well as from the apology (No. 9.) dictated by one of your secretaries (perhaps the present Governor General), which the editor of the *Telegraph* was, in the mean time, obliged to insert in his paper for having published my letter (No. 2. p. 34.), it is impossible, I say, from all these circumstances, not to conclude that your illegal and unwarrantable requisition for an apology, and my subsequent imprisonment and expulsion for refusing to make such apology, were intended, in the first instance, to protect this magistrate from farther animadversion, and to establish a precedent by which all magistrates might in future tyrannize with impunity. What could be a more direct violation

than this of the principles of the British constitution, as laid down by the highest legal authority in England (Lord Erskine), in his celebrated declaration on the press ? “ The extent of the genuine liberty of the press, on general subjects, and the boundaries which separate them from licentiousness, the English law has wisely not attempted to define. They are indeed in their nature undefineable, and *it is the office of the jury alone*, taken from the country, in each particular instance, to ascertain them, and the trust of the crown where no individual is slandered, to select the instances FOR TRIAL, *by its ministers responsible to parliament.*” Doctrines to which a great majority of the principal members of the present administration expressly and implicitly subscribed ; doctrines to which every man of common sense in the kingdom must assent, and which every man of common honesty will uphold.

LETTER XXIII.

TO THE MARQUIS WILLESLEY, &c.

Considerations on the new constitutional Law, which enacts that British born subjects may be transported without the form of a trial; and on the Marquis's enormous application of it in some cases, and his utter contempt of it in others.

“ Mr. Pitt's Bill, assisted by the explanatory Act of 1786, beside the new and extraordinary powers given to the Board of Control at home, has given to the Governor and Presidents abroad the most despotic and extraordinary authorities—unlike any thing that could have been supposed to be legitimate in a free state, and utterly irreconcilable to the spirit of the British Constitution, by virtue of which despotic authority, among other things, which, under the name of government, may be conceived, the Governor or President of the Council may, upon his sole pleasure, seize and secure any British subject in India, in any manner or situation, and upon the *accusation* of any one person, can cause him to be thrown on ship board, or imprisoned until there shall be “ a convenient opportunity of sending him to England,” where by the same bill, a new tribunal and proceeding equally unheard of in the Constitution,—are provided for his trial.”

Sheridan's comparative Statement of Mr. Fox and Mr. Pitt's India Bills. p. 13.

My Lord,

FAR from wishing to exaggerate your conduct, I am willing to give you the full benefit of the most extravagant construction of a most extravagant law. The able description given of that law by the present Treasurer of the Navy, is so much superior to any thing I could write on the

subject that I have taken it as a motto to the letter. There are some laws, my Lord, so unconstitutional that they should not, and some so bad that they cannot be executed. Men of honour will not be the instruments of carrying into effect an execrable law, even when compulsory. Such was the memorable decree of Robespierre for giving no quarter to the English. But what are we to say, or at least what are we to think of a man, who, after the most mature deliberation, surpasses the provisions of a law, which he himself conceives not to be compulsory, and which he cannot but know is in direct contradiction to the most essential principles of the British Constitution? We must in charity suppose that a legislature, which can pass such glaringly unconstitutional acts, and a Governor who can unnecessarily go beyond the true intent and meaning of them, do not perceive the consequences of what they are doing; or we must suppose something infinitely more to their discredit. It is fitting, however, that the people of England should know the extent of their obligations to both.

The legislature to be sure only committed the small mistake of delegating an authority to the Governors of India, which they do not themselves possess, an authority which resides no where—that of transporting British subjects without the form of a trial. It is no new doctrine that “The power of King, Lords and Commons, is not an

“ arbitrary power. They are the trustees, not
 “ the owners of the estate. The fee-simple is in
 “ us. They cannot alienate, they cannot waste.
 “ When we say that the legislature is *supreme*,
 “ we mean, that it is the highest power known to
 “ the constitution ; that it is the highest, in com-
 “ parison with the other subordinate powers esta-
 “ blished by the laws. In this sense, the word
 “ *supreme* is relative, not absolute. The power of
 “ the legislature is limited, not only by the gene-
 “ ral rules of natural justice, and the welfare of
 “ the community, but by the forms and principles
 “ of our particular constitution. If this doctrine
 “ be not true, we must admit that Kings, Lords,
 “ and Commons have no rule to direct their reso-
 “ lutions, but merely their own will and pleasure.
 “ They might unite the legislature and executive
 “ power in the same hands, and dissolve the con-
 “ stitution by an act of parliament.”

Junius's Dedication, p. 8.

Are our fundamental constitutional laws then
 to be considered as not extending to India? or
 are they extended to that country only in some
 parts, and withheld in others? and if so, by what
 statute is the distinction established? For what
 purpose are the English Courts of Judicature
 maintained in India, if they are not to apply the
 English law, particularly to British-born subjects?
 Again, if in any case, the clauses of a minor law

happen, by some unaccountable legislative inadvertency or design, to be in direct contradiction to the spirit of the fundamental laws and constitution of the realm, can these clauses ever be fairly or honestly construed into a repeal or dissolution of our constitutional statutes? Has any Governor a right, in order to serve particular purposes, to avail himself of the former, in direct violation of the latter? I say, consistently with every sound constitutional principle, he cannot. "A saving, "totally repugnant to the body of the act," says Blackstone, (vol. i. p. 89.) "is void." Upon the same principle, an act which is repugnant to the fundamental laws and constitution of the realm must be void. And it is the duty of every man to oppose a constitutional resistance to its operation.

Without entering at any length into the demerits of the laws respecting the government of India, I cannot avoid saying a few words on some of their most singular features. It must appear almost incredible to the people of Great Britain, whose attention has not hitherto been sufficiently called to the subject, that the unconstitutional clauses of those acts can be brought to operate against British-born subjects only. An American, a Dane, a Swede, a Russian, a Hindoo, a Frenchman, excepting in time of war, could not, even by the most forced construction of them, be sent to

Europe in virtue of the mere order of a Governor .

By specifying British-born subjects as the exclusive objects of this unmeasured power, the framers of the bill (for I must suppose that the legislature could not have adverted to all its consequences) must have perceived that by extending it to foreigners, they would have been violating the spirit of the laws of nations, and might give rise to the most unpleasant disputes. If not, what did the restriction mean? But while some

* This is not the only advantage enjoyed by foreigners, at the expense of British subjects, according to the laws which regulate the East India monopoly. While the American, Danish, Swedish, and other flags pervade the Indian seas, British subjects, unless members of the Company, cannot send a single ship to that country, which their wealth and their power are constantly risked to protect. What a ridiculous absurdity! But the injustice of this most pernicious monopoly is never glaring, is lost in the contemplation of its more distant, although not very remote, consequences. We do not seem to reflect that the mere loss of the trade, which is thus carried away from us by foreigners, however considerable, is comparatively but a very trifling evil. The great injury is this, that while our own naval resources are cramped and limited by the system, a magnificent nursery is established for the navies of other nations. It seems, indeed, to be a general law of monopolies, that however they may be occasionally useful at their commencement, they never fail to become injurious, in the result of their progress, to the community in which they prevail. With respect to that of the East India Company, it has always presented to my mind the monstrous idea of a giant in leading-strings. In alluding to that particular branch of the monopoly which concerns navigation, it would be inconsistent with my present object to go beyond the limits of a note. But considering it of the greatest importance to the prosperity of this country, it may form the subject of some future discussion.

respect was to be paid to the spirit of the laws of nations, that of the Constitution of Great Britain it seems was to be violated without scruple, and the British-born subject deprived at once of all his most essential birth-rights, the trial by jury, the *Habeas Corpus*, and the liberty of the press.

If a native of any foreign country, excepting when a prisoner of war, had reprehended a magistrate even improperly, he would have been entitled to a fair trial before the Supreme Court of Judicature. No foreigner, or Asiatic, *even trading unlawfully*, could have been transported by the mere *fiat* of a Governor-General. In India, British-born subjects alone are *alicens*. There at least the boasted birth-right of Englishmen consists only of a monopoly of oppression.

And while such superior privileges are accorded to foreigners over British-born subjects, it is also to be observed that there exists the most unequal rule of action for British-born subjects themselves. Is it not an extraordinary contradiction, for instance, that while a person accused of murder must be tried before the tribunal of the country, and if found innocent, restored to his family, property and business uninjured; a person only *accused* of a non-descript offence against a magistrate may be banished and ruined, without the privilege of being heard? It is insulting the ordinary rules of justice with a vengeance to apply severer penalties to accusations of trivial of-

fences than to those of the highest enormity.
 “ The peculiar excellence of the British Constitu-
 “ tion, in which, indeed, the value of every go-
 “ vernment may be summed up, is that it creates
 “ *an equal rule of action for the whole nation*, and
 “ an impartial administration of justice under it.
 “ - - From these master principles result that hap-
 “ py unsuspecting and unsuspected freedom,
 “ which for ages has distinguished society in Eng-
 “ land, and which has united Englishmen in an
 “ enthusiasm for their country, and a reverence
 “ for their laws.”

Erskine's Declaration on the Liberty of the Press.

The inconvenience and cruelty of sending to England for trial persons accused of crimes, even of murder, committed in distant places on the high seas, has been felt by the legislature, and I observe with pleasure that a bill has lately been brought into parliament for remedying this abuse, by enacting that such persons shall in future be tried by the adjacent tribunals. The public have now an opportunity of judging whether it be not equally necessary to bring in a bill for preventing persons, accused of offending a Governor, or Magistrate, in any of our distant provinces, from being sent to England, *for punishment, without trial?*

In whatever point of view we consider the acts for the government of India, many of their clauses are neither more or less than a gross violation of

the British Constitution in favor of a commercial monopoly. In their most limited sense, and under the most liberal construction, they are not available to every man who entertains the sentiment of constitutional liberty. The clauses upon which you have pretended to act, in my case, even according to the fair and only just interpretation of them, viz. *as then retailed to unlicentious traders*, are precisely of that description. They are an absolute and complete violation of "the natural and inherent right of the subject to personal liberty:" "The glory of the English law consists in clearly defining the times, the causes, and the extent, when, wherefore, and to what degree, the imprisonment of the subject may be lawful. This it is, which induces the absolute necessity of expressing upon every commitment the reason for which it is made: that the Court upon an *Habeas Corpus*, may examine into its validity; and according to the circumstances of the case may discharge, admit to bail, or remand the prisoner."

Blackstone's Commentaries, vol. iii. p. 134.

But that we may not do injustice to the intentions of the legislature which enacted the laws for the government of India, we must suppose that, in giving a discretionary power of imprisonment, expulsion, and banishment, to the Governors of distant provinces, they must have had in view some distinct and reasonable grounds, upon which

these powers were to be exercised. They could never have intended them as an engine, of oppression against British subjects, although they ought to have foreseen that they must necessarily become so, in the hands of men of arbitrary and despotic minds. Accordingly we find, both from the preamble and context of these clauses, that the legislature did mean to confine the exercise of the powers they delegated to the Company's Governors expressly to persons *unlawfully trading* in India, the very object of the clauses being to protect the Company's exclusive trade *. Otherwise what would have been the use of providing the new Tribunal and proceedings of which Mr. Sheridan speaks, for the trial of persons sent home by the Governors of that country?—That enactment positively infers the commission of an offence as the ground of expulsion; and the only offence stated is *unlawful trading*, or trading without a licence.

This appears to me to be the true construction of the acts of parliament, relating to India, as they regard the expulsion of British-born subjects from that country. Since the passing of these acts, however, a great many persons, of various profes-

* The words of the preamble to the clauses giving discretionary power to the Governors of sending British-born subjects to Europe are "For securing to the said united company their sole and exclusive right of trading to the East Indies and parts aforesaid."

sions, and who do not at all come under the description of traders, have gradually settled in the Company's territories. To them certainly the spirit of these provisions did not and could not extend. In their true, limited, obvious, and only possible sense, namely as they relate to unlawful traders, these clauses, if ever they were acted upon by your predecessors, had fallen, as they deserved, into complete disuse. But you, my Lord, with that chivalrous disdain for common place policy, which characterises your government, have thought proper not only to revive an obsolete, odious, tyrannical and most unconstitutional law, but to extend it, contrary to the manifest intention of the legislature, to all persons residing in India, of whatever profession or calling.

So much for the interpretation of the law, according to the manifest intention of the legislature. Let us now consider your application, or rather misapplication of it, in my case. On the 9th of July, five weeks after my refusal to make you an apology, I was favoured with a letter from your secretary (No. 10. p. 45), requiring me, *as residing in India without licence*, to return to Europe, in the extra ship Mildred, then under dispatch. Let us examine the validity of this plea. Here the offence against the magistrate is dropped, and my being without a licence is the great crime for which I am to be sent to Europe, with-

out a moment's delay to settle my affairs, and my person directed to be seized. Is it not rather strange, that after having been four years a constant resident of Calcutta, without a licence, and seeing that there were many thousand persons in India equally without licences, a circumstance, which had not till then been so considered, should all at once have sprung up into an offence, in my particular case? The objection, one should suppose might have very easily been removed, by only conferring on me a licence, subject to the conditions on which such permissions were accorded to others. Were not licences freely granted to all who asked for them? Was it imputed as an offence to other persons to have resided in India without licences? The adoption of the pretext in my case might therefore be considered as both contemptible and ridiculous, if it were not something much worse. It was establishing a distinction, which destroyed at one blow that equal rule of action considered by Lord Erskine as "the peculiar excellence of the British constitution." And it may be of some importance to consider how long our enthusiasm for the country, and our reverence for its laws, can survive the circumstances that gave them birth.

The law, respecting licences, under which you have endeavoured to cover your proceedings, must be considered as either compulsory or dis-

cretionary. I will give you every advantage in the construction of it. If compulsory, it was incumbent on you to have sent away every *British-born* subject, (for the law, under the utmost latitude of construction, as has been shewn, extends *only to them*) who had not a licence to remain in India; and you ought not, in my case, to have waited for the new offence of refusing to make you an apology. It was your duty to have put the law regularly, equally, and invariably in force, for it could not have been the intention of the legislature, either express or understood, to have left to any Governor an option to enforce, or to dispense with, a compulsory law at pleasure. If the law was compulsory, you have violated the law.

But if the authority vested in you was discretionary, you are still responsible for the manner in which you have exercised it. The law, as I understand it, in so far as it goes, is in fact discretionary.

Now I will, for the sake of argument, take your own interpretation of the law, and suppose, what however I do not admit, that by a fair and liberal construction of it, you were authorised to send to Europe others than those who are found unlawfully trading in India, is it fitting that you should make use of this discretionary power as it were in sport? In order to shew that you made a wanton and most tyrannical use of that discretionary pow-

er, in my case, even according to your own misinterpretation of the law, it is only necessary to refer the reader to your letters, (the letters of your secretary I consider as your own.) There he will find the reasons for my expulsion from India, which you have yourself deliberately urged, so absurd, ridiculous, and contemptible, that he must conceive it probable you would, in some future flight, proceed to transport individuals, for an offensive exclamation, or a provoking distortion of countenance. And thus British subjects might become mere play-things in the hands of a Governor !

But what will be said if I shew that you have treated the law respecting licences, which you pretended on this occasion to respect, in other cases with the most sovereign contempt? Mr. Maclean had a licence. But it did not protect him from being transported from Benares towards Calcutta. Would his licence have saved the Editor of the Telegraph from a voyage to Europe, if he had not published the apology dictated to him? Nay, have you not yourself, in your edict for regulating the press, expressly asserted, in open contempt of this very law, your right to exercise the power of transportation, without any exception whatever in favor of those who have licences? “ The penalty for offending against any
“ of the above regulations to be *immediate em-*
“ *barkation for Europe* ;—the very principle of

the decision of Bonaparte in the case of *Panconcke* and *Moutardier*, who had printed without publishing a book that was offensive to him : “ Let the printer be sent to the Bicetre and the author to Cayenne.”

This brings to my recollection an obligation which I chance to owe you. It has been a singularity of my fate to have been in collision with almost every species of despotism, from your own maiden efforts in India, to those of your imitator Bonaparte in Europe, and from the whole-sale measures of that usurper, to the pettyfogging details of a snivelling Medical Board. When detained in France, at the commencement of this war, contrary to the usages of civilized nations, a printed copy of your correspondence sent to the public offices proved a principal mean of procuring my release. I know not whether the constituted authorities of Bonaparte, from that ignorance which characterises despotism, identified your Lordship with the constitution of this country, and thought they were conferring a benefit on me as your enemy, or from tyrannical sympathy, felt that a person, who was obnoxious to your Lordship, was also unfit to remain under the jurisdiction of their master. But of this I am certain that the correspondence which is now submitted to the public, had not been long in their possession, when I got a passport to embark for America; verifying the proverb, that there is scarcely any evil out of which some good doth not arise.

LETTER XXIII.

TO THE MARQUIS WELLESLEY, &c.

On his doctrine that in respect to offences, three cyphers make an unit; and that the Governor-General must be addressed in the most respectful terms.

“La véritable grandeur est libre, douce, familière, populaire, elle se laisse toucher et manier, elle ne perd rien à être vue de près” *La Bruyère.*

“Greatness certainly does not consist in pageantry and show, in pomp and retinue, and though a person of quality will make use of these things to avoid singularity, and to put the vulgar in mind of their obedience to authority, yet he does not think himself the bigger for them, for he knows that those who have neither honesty nor understanding, have oftentimes all this fine furniture about them.* * *—He that is truly noble *hates to abridge the liberties*, to depress the spirits, or any ways to impair the satisfaction of his neighbour. His greatness is a good, obliging, and agreeable, so that none have any just cause to wish it less. He is affable in his converse, generous in his temper, and immoveable in what he has resolved upon, and as prosperity does not make him haughty and imperious, so neither does adversity sink him into meanness and dejection; for if he ever shews more spirit than ordinary, it is when he is ill used, and the world floats upon him. *In short he is equally removed from the extremes of servility and pride, and scorn either to trample upon a worm, or suck to an Emperor.*” COLLIER.

My Lord,

SENSIBLE and perhaps even ashamed of the futility of your former pleas, you again changed your ground, (No. 17, page 53,) and added a new charge still more frivolous if possible than the former ones. In this letter, written no doubt after

much consultation with the law-officers of the Company, not a word is said of the licence. The reasons *now* assigned, for the extraordinary proceedings against me, may be divided into three branches: 1st, for publishing in a newspaper a letter containing an insinuation of improper conduct on the part of one of the public magistrates in the discharge of his duty: 2ndly, when called upon to *make an apology for that offence*, refusing *in the most disrespectful terms*, to make such apology (see No. 5 for the terms): and 3dly, because I was ordered (four years) before to return to Europe, &c. Now, what inferences, I beseech you, are we to draw from all this, but that finding the position which you had first taken (the apology) untenable, you altered it to another. (the licence) which you found equally weak, and finally, feeling that both afforded but a shallow pretext for ruining and banishing a British subject, (for it is actual and harsh banishment to be forced from the place in which you are established in business and earn your subsistence, even to a better residence) thought proper to look for *new offences*, in order to strengthen your cause. It was fortunate for me that none of a more heinous nature could be found than what arose from a simple misrepresentation of a fact which was easily explained to the satisfaction of a former Governor-General, after which I remained four years a constant resident of the town of Calcutta: for if any

could have been discovered by a microscope the whole tenor of your proceedings warrants the belief that they would have been eagerly raked together.

It has been shewn in Letter XXII. that my refusing to make you an apology was both legal and proper. It has been shown in letter XXIII. that I did not come properly under the true construction of that most unconstitutional act of parliament relating to licences for residing in India ; and that, *even according to your own misinterpretation of that law*, the exercise of the discretionary power vested in you was, with respect to me, indiscreet, oppressive, and tyrannical : and from the letter of Captain Hudson, of the *Houghton*, (p. 58, 59.) it will appear that the *new charge* of my having been ordered to return to Europe by a former Governor General is every way worthy of the rest. Such then are the grave and serious charges on which you have yourself expressly founded (17.) the extraordinary measure of my expulsion from India. It will remain with you to explain how they constitute an offence against the law, against the morals, or even against the prejudices of any community ; or how three circumstances, none of which taken separately constitutes *any part* of an offence, and all of which are not only frivolous but ridiculous, can be converted, excepting by some mystical process, into a *whole* offence. I hope every man in the na-

tion will attend to this political chymistry, on his own account as well as mine ; for I am now no farther interested in the decision that may be formed, respecting your Lordship's conduct, than any other member of the community. Dean Swift has somewhere said that, in political arithmetic, two and two do not always make four : But this is probably the first time that three cyphers were ever supposed to form an unit, completing the sum total of *one* offence. Your idea of offences, my Lord, reminds me of Sir Andrew Ague-Check in the play, who would beat a man because he was a puritan : “ *Maria*. Marry, sir, “ he is sometimes a kind of puritan. *Sir And*. O “ if I thought that, I'd beat him like a dog. *Sir* “ *To*. What, for being a puritan ? Thy exquisite “ reasons, dear knight ? *Sir And*. I have no ex- “ quisite reason for t, but I have reason good “ enough. — *Twelfth Night*.

Reluctant as I feel to offend the English ear, or to accustom it to the degrading sounds of apology and licence, I must say a few words more before I dismiss the subject ; for it seems to me to merit the most ample illustration. On re-perusing your own three letters, my Lord (for I consider your secretaries' letters as yours), you will perceive what a ridiculous figure even a man of talent must make in print, when he is acting in contradistinction not only to truth, justice, law and the constitution, but even to common de-

erency and common sense. In your first letter, you accuse me of having published an *insinuation* of improper conduct against a magistrate, and for that *offence*, you require me *to make an apology*. I refuse ; and you have no remedy. In your second letter, you drop the offence against the magistrate, and require me, *as residing in India without licence*, to return to Europe in a particular ship ; and you send your town adjutant to seize my person. I receive intelligence of your designs, order my doors to be shut, and prohibit your myrmidons from attempting to enter my house by force at the peril of their lives ; and they dare not persist. In this situation I write to you requiring explanations. In your third and explanatory letter (p. 33, &c.) you drop the affair of the licence and resume my refusal to make an apology, to which you add a new offence of about the same degree of importance. You are, however, graciously pleased, in consideration of certain circumstances stated in my letter, (p. 48.) to allow me, *on certain conditions*, to remain in Calcutta for a few months longer ; which I reject with disdain.

Thus you were obliged repeatedly to shift your ground ; and if I had urged you farther, you would probably have made more changes of position. But being now fully satisfied of your object, I thought it unnecessary to prolong the correspondence, and, without yielding one iota of the principle in dispute, after keeping my house

shut for ten days, with sentinels stationed round it like a besieged castle, informed you that, being then *as ready* to comply with your requisition *as I could be at any subsequent period*, I should at a certain time and place convenient to myself, surrender my person to your town adjutant. This resolution was by no means founded on the exhaustion of my means of resistance. But the reasons why I thought it useless to drive you to the last degree of violence and outrage, shall be stated in a future letter.

From the whole complexion of the preceding correspondence, which comprehends all that passed between your government and myself, it might be supposed, that had I condescended to make the apology required,—had I condescended

——— 'To bow and sue for grace,
With suppliant knee, and deify your power.

Milton's Par. Lost.

I should not have been sent to Europe. But this, as I shall shew, is an erroneous opinion: for could I even have consented to that measure, I should have been obliged besides to withhold the appreciation which I had promised of the Magistrate's conduct, to renounce the privilege of free discussion, and even to give a security for my conforming in every respect to your will, before I could have obtained permission to remain in India.

But to what monstrous doctrines should I have been subscribing? It is here, I believe, for the first time in modern ages, even virtually asserted, by a British Governor, that no comments must be made on the conduct of any Magistrate, under his jurisdiction, let him do what he will; but that, if an insinuation of misconduct should happen to escape, the proper atonement for it is an apology, not to the laws of the country (they it seems have nothing to do with the affairs of India), but to the most noble the Governor General, and which apology we are given to understand in the explanatory letter, No. 17, *should be made in the most respectful terms* * —

* To such a degree did this Governor carry his love of pomp that, as I have been informed by officers of respectability from the coast, he made stables of the East Indiamen to bring the horses of his body guard from Bengal, at an enormous expence to the Company, as if the Madras cavalry were unworthy the honor of acting as his body guard, during his stay on the coast. Here we trace Bonaparte and his inseparable Mamalukes. Could this pomp and circumstance, which disgusted every one who saw it, transfuse more energy or wisdom into the orders conveyed to Generals and Ambassadors, or obtain any useful object whatsoever? It is a false and ridiculous notion that they are conducive to any good, and however they may dazzle for a moment, instead of increasing they diminish respect: for the people, in their sentiments, are seldom mistaken. Was not Marquis Cornwallis, with only a few attendants, more respected than the Marquis Wellesley with a suite large enough to form an army? But it is necessary for those, who adopt, to justify

O but man ! proud man,
 Drest in a little brief authority ;
 Most ignorant of what he's most assur'd
 His glassy essence, like an angry ape,
 Plays such fantastic tricks before high heaven,
 As make the angels weep !

Truly if the feelings of the Governor General of India are to be the thermometer of offences in that country, it would be advisable to look out for persons of somewhat more tractable sensibilities than your Lordship for that office.

For my own part, on a retrospect of the affair between us, I have only to say, that were it to happen twenty times over, I should not think it proper to alter any one part of my conduct ; and that if my resistance to such abominable principles of government does not prove a general benefit, it is, at least, no fault of mine. But I am sure that cannot be the case. " The " injustice done to an individual," says Junius, " is some times of service to the public. Facts " are apt to alarm us more than the most dan- " gerous principles." The facts here established are indeed sufficiently alarming : and I trust the people of England will see your conduct in pageantry and vain-glorious men, not choosing to trace it to its real source, their own dispositions, have recourse to the shallow and contemptible pretexts of the necessity of imposing upon the people.

its true point of view ; that they will be sensible that to suffer the Governor of a province to violate the best principles of our constitution with impunity, is to invite despotism to our doors ; and that the best laws become nugatory, if the noble sentiments which foster and uphold them be allowed to weaken or decay. If, contrary to all expectation, I should be deceived, I shall only have to lament, in common with others, the unhappy state of apathy into which we are at length fallen. But even in that case, I shall at least enjoy the melancholy consolation of reflecting that I have not omitted to do my share of the duty.

LETTER XXV.

TO THE MARQUIS WELLESLEY, &c.

On his assumption of the power of enforcing or dispensing with existing laws according to his own interpretation of them, and of making new laws, at pleasure, annihilating the personal freedom of the subject, and establishing in fact an absolute despotism.

“*Sic volo sic jubeo, stat pro ratione voluntas.*”

My Lord,

NOTWITHSTANDING the reinforcement of your new charge, (No. 17.) conjured up after a lapse of six days, you were pleased to say that, in consideration of the circumstances stated in my letter of the 13th July, (No. 13.) I might remain in Calcutta till the 25th of October, *provided I immediately gave satisfactory security*, that I should proceed to Europe, on any ship, which might sail after that period, and *on which you might require me to embark*. And the town adjutant, in a note (No. 15.) with which he prefaced the delivery of your letter, says he is well assured that I have it in my power to give this security on the shortest notice. As I never put my friends to the test, I do not know whether I had or had not this power. But this I know, that if I had,

I should not have used it. Not having violated the law, I required no bail, or security for my appearance, and I spurned as I ought the idea of asking any friend of mine to guarantee *my obedience to the WILL* of a Governor-General. But what does all this mean? It is neither more or less than, “If you will comply with my will and “pleasure in part, I will suffer you to remain for “three months longer in India; if you will comply with it wholly, I will suffer you to remain as “long as you please, whether you have a licence “or not; but if you do not in any respect comply with it, I will send you immediately to Europe, *because* you have not got a licence to reside in India.” Now I defy any man in France or in Turkey to produce me a more perfect union of complete nonsense and absolute despotism.

The insulting tone of moderation which you now assumed, my Lord, I placed to the proper account, namely a conviction on your part, that you were treading upon very slippery ground, together with apprehensions perhaps that your object might be openly frustrated by legal means. I say insulting, because there was no room for compromise. It was impossible for me, consistently with any just ideas of what is due to the laws or constitution of the country, to have conceded the principle in dispute; and all the explanations which had taken place, together with the temper of the

man, were sufficient to convince me that nothing would be conceded by your Lordship. Seeing that to continue the contest longer upon Asiatic ground would be therefore useless, I voluntarily surrendered myself to the town-adjutant of Calcutta at a time and place appointed; was carried in triumph into Fort William; and from thence hurried, under an escort of soldiers, on board an East-Indiaman at Saugor Roads.

It happened to be on Saturday that I surrendered. You, my Lord, having as I presume surmised that I might avail myself of the aid of the civil law to frustrate your designs, the moment you learnt that I had capitulated, sent a peremptory order that I should be immediately sent on board a ship. The order did not arrive till late at night. I had gone to bed, and absolutely refused to comply with it, observing that if the commandant of the soldiers thought himself obliged to enforce the order, he must use violence. He returned to the Fort-major, to whose custody I was now assigned, for fresh instructions. The Fort-major was in perplexity and doubt. His order was peremptory, yet he saw the impropriety and indecency of enforcing it. But you were at your country residence; and it would be a high crime and misdemeanor to disturb you about trifles. Of what consequence is the convenience, or even the life, of a common individual, if a great man must be incommoded? It was on the same seat of

government that so many Englishmen were smothered to death, that the slumbers of your predecessor Surajah Dowlah might not be disturbed !

Imagining what the motives of this peremptory order might be, I observed to the military agents of the Fort Major that the gates being shut for the night, no civil officers could get admission, and that the following day being Sunday, no writs could be issued ; that besides my servants were gone home for the night, and that my baggage which was in the town, would be left behind. Notwithstanding these arguments, I do not believe, but for the influence of female humanity, I should have got even a single night's reprieve. Whatever may have been said to the prejudice of the sex, by poets or pretended philosophers, this is not the only occasion on which I have experienced that women have a more lively sense of, and a greater regard for, justice, as well as finer feelings of humanity, than men ; and I rejoice in this opportunity of acknowledging my gratitude to Mrs. Calcraft, a lady I never saw, to whose intercession I owe it, that I was not hurried on board a ship, without even a change of linen, for a twelvemonth's voyage. After an interchange of messages, I was allowed to continue my repose, it being understood that I should be ready to embark as soon as my baggage could be got from Calcutta the next morning.

These circumstances, which are in themselves trivial, I mention in order to show that it was your own opinion, although it did not enter into my contemplation, that your arbitrary measures might have been defeated by the medium of the courts of law. That I believe could in fact have been done by an arrest for debt, or on a writ of *habeas corpus*, from which I cannot learn that India is exempted more than other parts of the British dominions.

But if it had been the intention of the legislature to have conferred on the Governor General of India an authority that must virtually supersede the fundamental principles of our constitution, and deprive the subject of his only means of protection, would they not have expressly declared so, instead of leaving a power which they thought it necessary to confer subject to be constantly defeated? I do believe that, in this case, your intentions, my Lord, notwithstanding the indecent manner in which you ordered me to be hurried on board a ship, might have been frustrated, had I applied to the judges of the supreme court, and had these judges done their duty. If I understand the law, the supreme court of judicature was bound, upon application, to grant me a writ of *habeas corpus*, as a matter of right. “ If a probable ground be
“ shown, that the party is imprisoned without
“ just cause, and therefore hath a right to be

“ delivered the writ of *habeas corpus* is then
 “ a writ of right, which may not be denied, but
 “ ought to be granted to every man that is
 “ committed, or detained in prison, or other-
 “ wise restrained, though it be by the command
 “ of the King, the Privy Council, or any other.”
Com. Journ. April 1, 1628. If I had claimed the
 benefit of this doctrine, almost two hundred
 years old, it would remain to be seen how far your
 Lordship would have opposed your will to a
 constitutional mandate thus distinctly expressed.
 But of the two evils I preferred immediate ex-
 pulsion, to the uncertainty of remaining sub-
 ject to the capricious sallies of your Lordship’s
 volition.

Having shewn that you avowedly considered
 yourself as entitled to enforce or dispense with
 existing laws, according to your own interpre-
 tation of them, at pleasure, I shall now make
 it appear that you assumed the privilege of
 making new laws, establishing in effect a com-
 plete and absolute despotism.—Instead of leav-
 ing disputes to be settled in the ordinary course
 of law, you determined that none should exist;
 as you imposed previous restrictions on publi-
 cations, so you would impose previous restric-
 tions on the actions of men. “ Penalty bonds,”
 says Mr. Maclean, in the postscript to one of
 his letters (No. 4.), “ are sent up to be exe-
 “ cuted by all indigo planters in this district

“ (Benares), for the first complaint in court 500
 “ rupees, and for the second to be ordered to
 “ Calcutta ” Now, my Lord, you had just as
 clear a right to order penalty bonds to be signed
 for a hundred thousand rupees, as for five hun-
 dred, and to order the offender to Botany Bay as
 to Calcutta. Did you not, by this strange mea-
 sure, if any measure of yours could appear
 strange, assert an unlimited power over the pur-
 ses, as well as the persons, of his Majesty’s sub-
 jects ? Could you not ruin a man in a moment,
 by bringing him from Benares to Calcutta, for
 having had some trifling quarrel, or at the mere
 instigation of an enemy or informer ? Might you
 not with as much propriety, and justice, and law,
 have ordered any of the inhabitants of Calcutta,
 who should act improperly in your opinion, to
 be sent for the first offence to do quarantine at
 Benares, and for the second to China * ? This
 doctrine of arbitrarily transplanting the subject
 from one part of a country to another, is even
 more cruel and degrading than that which trans-
 fers them in whole lots from one master to ano-
 ther, as has lately been the abominable practice
 on the continent of Europe. Nor does it appear

*. I will not here say any thing of the sweeping edict, by which
 all Europeans were ordered to quit Lucknow, that they might not
 be witnesses of your conduct towards the Nabob, as I believe it is
 actually the subject of enquiry in another place. But it shall not
 be lost to the public.

that, in the assumption of those extraordinary powers, you laid the smallest stress upon licences, by which, when it suited your purpose, you claimed the privilege of transportation. On the contrary, you expressly usurped the right of violating even that your favourite law. But there cannot, I apprehend, be in nature a principle more indisputable than that, when the laws of a country are superseded, whether it be by an individual or a mob, the result is in both cases absolute and complete despotism, differing only in modification, duration, and degree. Really, my Lord, I must confess that the sources from whence you have derived your principles of government, and your right to absolute power, are utterly beyond my comprehension ; nor do I much care to know them. But I trust it will be thought necessary to indulge the public with some sort of explanation.

LETTER XXVI.

TO THE MARQUIS WELLESLEY.

On the singularity of sending a person, accused of an offence, from India to England, in order to be liberated, not to be tried; and on his assertion of the right of exercising a jurisdiction beyond the territories he governed.

“Gnossius hæc Rhadamanthus habet durissima regna,
Castigatque, auditque dolos, subigitque fateri.”

“First he punisheth, and *then* he trieth, and lastly compelleth to confess, and makes and mars laws at his pleasure, like as the Centurion, in the holy history, did to St Paul, for the text saith, “Centurio apprehendi Paulum jussit, et se Catenis eligari, et tunc interrogabit, quis fuisset, et quid fecisset,” But good judges and justices abhor these courses.”

Coke, 2 Inst. 58.

My Lord,

If you really considered me as coming under the meaning of those clauses of the acts of parliament respecting India, which give governors, in certain cases, the power of transportation, in order to be consistent, according to your own interpretation of them, you ought to have sent me to England, *not* to be liberated, but to be tried. The very words of the act of 1793 are, “there to answer for his, her, or their offence, “according to due course of law.”—See the 33d of Geo. III. cap. 52. § cxxxii.—Thus the law

clearly infers an offence, for which a specific punishment is provided. I think, then, I have just cause of complaint that you did not, at least after inflicting punishment, give me an opportunity, by the forms of a trial, to shew how far I had deserved it. Even the judge of hell tries, *after* having punished, an offender. But you, my Lord, adopt a course of justice peculiar to yourself: I am sent on board a ship, where I remain twelve months a prisoner, according to the definition of Dr. Johnson, with the constant risk of drowning. On arriving in England I naturally expect to be tried according to the provisions of the law on which you pretended to act. But no prosecution is brought, or even meditated. You well knew, my Lord, that the circumstances would not bear an investigation. You knew that the law itself could not stand the test of a single trial. Why then such solicitude that I should be kept a prisoner till my arrival in England? Did you apprehend that, if released sooner, I should return to participate in the blessings of your free government? You could scarcely, I think, have formed so false an estimate of my ambition. Your Lordship must therefore pardon me if I suspect the order had no object but to gratify the yearnings of a tyrannical mind.

The instructions of your secretary to the captain of the *Busbridge* are also exceedingly curious in another point of view.—“The Honourable

“ the Governor General in Council directs me
 “ to signify to you his *most positive commands*,
 “ that particular care be taken to prevent the
 “ *escape* of Mr. Maclean from the Busbridge,
 “ from the period of his embarkation to that of
 “ the ship being quitted by the pilot, or *by any*
 “ *subsequent opportunity that may happen in the*
 “ *course of the voyage* ; and to acquaint you that
 “ you will be held responsible for the security
 “ of his person till his arrival in England, *when*
 “ *you will discharge him*, giving due notice of
 “ the same to the secretary of the Court of Di-
 “ rectors.”—(Letter 21.)—This open and manly
 assertion of the right of extending your jurisdic-
 tion beyond the territories you govern deserves,
 I believe, the credit of originality. The doc-
 trine indeed has since been adopted, and much
 improved upon, by that friend to good govern-
 ment, Bonaparte. If ever that prince of despots
 should realize his project of becoming emperor
 of the West, he will find an emperor of the East
 ready made to his hands. How compendiously
 will the world be governed !

From the nature of your orders to Captain
 Dobree, he could not, but at his peril, suffer me
 to land at Madras, Ceylon, the Cape of Good
 Hope, the Brazils, St. Helena, or wherever else
 we might happen to touch, until the Busbridge
 should arrive in England. After having occa-
 sioned the dilapidation of my property, and the

loss of my business in India, I was not to be permitted to avail myself of any opportunity that might occur of settling advantageously in any other country, where we might sojourn previous to the ship's arrival in England; and this without any apparent motive. If you had ordered Captain Dohree to throw me out at one of the port holes, or to suspend me from the main top-mast cross-trees in irons * during the passage, it would not have been a more perfect, although a more odious instance, of abuse of power, and violation of law and justice.

Since I was consigned to England exclusively, not for the purpose of being brought to trial, but apparently for your Lordship's amusement, you will perhaps expect that I should be grateful to you for not having ordered that my voyage should be farther prolonged to America, or perhaps round the world; or that you did not take the fancy of ordering me to be re-shipped for India, in order to enjoy in a fuller degree the benefits of your own mild administration. If the King of

* When the *Bushbridge* arrived in Madras Roads, it was actually reported in the place that I was on board in irons. The case, as I have here chosen to bring it forward, being entirely on principles of a public nature, I have avoided stating the losses, or the hardships, which I suffered in consequence of the proceedings of the Marquis Wellesley; or, which is of still greater consequence, the injury to my character, (as dear to me as his can be to the Marquis Wellesley), which must have resulted from them, since to those who oppress, or persecute, it is necessary to defame.

England, my Lord, were to ship any one of his subjects for refusing to make him an apology, (a thing his most Gracious Majesty would never think of exacting if he had the right) in a vessel going on a voyage of discovery round the world, in order to deprive him of the protection of the laws, what would the people of this country think of such a proceeding? But I beg his Majesty's pardon for placing him for a moment in such unconstitutional company.

You, my Lord, like other great men, are ambitious, even in the exercise of your clemency, of displaying an originality of genius. Was it to enable me to seek redress for oppression committed at the distance of 5000 leagues, after having despoiled me of all the ordinary means of obtaining it, that you gave such particular instructions to land me in England only? For this favor, permit me to acknowledge my particular obligations, as well as for the unostentatious manner in which your secretary announces the gracious intention: "He (the captain) will be held responsible for the security of your person until his arrival in England, *when he is permitted to release you.*" What a volume of tyranny in six words!

LETTER XXVII.

TO THE MARQUIS WELLESLEY, &c.

On his extinction of the Liberty of the Press in India, and his establishment of an Imprimatur.

"To subject the press to the restrictive power of a licencer as was formerly done, both before and after the revolution, is to subject all freedom of sentiment to the prejudice of one man and make him the arbitrary and infallible judge of all controverted points in learning, religion and government."

Blackstone's Commentaries, vol. iv. p. 152.

My Lord,

I HAVE hitherto argued the case between us entirely on the grounds which you have yourself thought proper to take. But the truth is that, while my refusal to make an apology formed but a collateral reason for the measures which you chose to adopt, and the want of a licence was but a mere pretext, indispensable however in so far as it was the only plea on which you could resort to arbitrary proceedings, your principal view was to aim, through me, a deadly blow at the liberty of the press in India, the extinction of which had been a favorite object of your ambition. To suppose that you had no motive for my expulsion less ridiculous than those which you chose yourself to assign, would be greatly to undervalue your understanding. You knew, I presume, that I

was proprietor of a newspaper and a magazine. You was also probably informed that I was not a person capable of surrendering my right of free discussion, or submitting the length, breadth, and thickness of my ideas to be squared by the rule of any secretary to the government, however ingenious. If so, my Lord, most assuredly you were correctly informed. All attempts to limit the freedom of discussion, whether made by a banditti professing liberty and equality, by the rapacious usurper of an imperial throne, or by the tyrannical governor of a province, I hold in equal detestation and abhorrence, and shall ever be ready, according to the humble measure of my ability, to frustrate or oppose them as becomes the subject of a free state. You was therefore perfectly right, consistently with your own views of extinguishing the liberty of the press, to contrive my imprisonment and removal, for while I remained free you could not have extinguished that liberty, or imposed your favourite imprimatur. That such was your real object is proved beyond a doubt by your general regulations for the press, as well as by the particular acts recorded in Nos. 7, 8, and 9 of the preceding correspondence.

These documents most clearly shew that the plan of attack was not so much directed against me personally, as against the whole system of public discussion. The editor of the Telegraph was required to make an apology for having in-

serted my letter: "But I know not," says he, "if it will be accepted." It certainly was not accepted. A more abject one was dictated, (No. 9.) and the unfortunate editor of the Telegraph was obliged to insert it under the penalty of transportation, having a wife and seven or eight children to take along with him. He had undoubtedly the best reason in nature for submitting to an act of degradation, and I am far from blaming him for it. But the terms of the apology dictated to this unfortunate man are so furious a specimen of the performance of a Governor of fifty millions of people, in his editorial capacity, that it is worthy of being studied by the present generation, and transmitted as a model of apologetical perfection to posterity. "The editor, from *error in judgment*, having inserted a letter in the Telegraph of the 28th of April, under the signature of Charles Maclean, and also a subsequent letter *on the same subject*, in the Telegraph of the 12th May, signed *Habeas Corpus*; and the terms of both the said letters appearing *to him*, on re-consideration, to be extremely improper, he is *induced* to apologise for having inserted them; *particularly* as the writers of the said letters have *assumed* a privilege of animadverting, THROUGH THE MEDIUM OF A PUBLIC PRINT, upon the proceedings of a court of justice, and of censuring the conduct of a *public officer*, for acts done in his *official capacity*."

Now, my Lord, although from the novelty of your apologetical labours they ought to be treated tenderly in a literary or grammatical point of view, I cannot but notice a few contradictions in sense, which have escaped you, perhaps in the rapidity of diction. In the first place, if we did not know otherwise, we should suppose the editor of the *Telegraph* had been induced *by* himself to make a public apology *to* himself for having *committed an error in judgment*. We should also suppose that the privilege of animadverting upon courts of justice was new and unknown; that public prints are an uncommon medium of animadversion; and that it was altogether unusual to censure public officers but for acts done in their *non-official* capacity.

In this auspicious manner, my Lord, commenced the war against the press, which you have since carried on, in India, with so much valour and with such uniform success. Encouraged by your first victories, your exploits acquired vigor in their progress, until they at length terminated in the *ne plus ultra* of human despotism, the direful regulations here published, (page 62 &c.;) regulations of so exquisite a hue as to deprive the literary labors of Bonaparte of every merit of originality, and to call up the blush of envy and of shame into his pale Corsican cheek. After my expulsion from India, and the apologies of the editor of the *Telegraph*, the system of terror was

completely established, throughout the literary department, and every *error in judgment* rendered impossible, by the *infallible superintendence* of one of the secretaries to the government. But the regulations, by which the newspapers of India were definitely chained, were not until some time afterwards formally transmitted to the different presidencies.

Thus skilfully fettered, my Lord, you have bequeathed the care of the press to your former secretary and worthy successor, who may enjoy the inheritance without incurring the odium of the acquirement. The system of licensing, which, after the lapse of a century, you have recalled from the tomb, is in more than one respect deserving of our most attentive consideration.— Without entering into the merits of the resuscitation at this time of the day, I shall here only observe, that your mode, compared with that formerly in use under despotic governments, is very far from being an improvement. You have thought proper to confer the office of licencer on one of the secretaries to the government, for the time being, with or without a salary, it matters very little which. Now I should be glad to be informed under what responsibility to the public this licencer is acting ? He may be changed from day to day. He has no character to support in the scientific or literary world. He may be a very good accountant, and able to write

common letters of business; but I should doubt very much of his skill in judging of the moral or political tendency of publications. I fear, if the licensors of the press under the ancient French monarchy had not been more exquisite, as well as more impartial, and independent, judges of literary productions, than the secretaries to our Asiatic governments, the world would have been deprived of the works of Montesquieu, Helvetius, Rousseau, and Voltaire. Raynal's East and West Indies, if submitted to your licensors, my Lord, would certainly never have seen the light; and the manuscripts of Bacon, Milton, Shakspeare, and Locke, I am rather apprehensive, might have been suspected of containing some latent heresy, and condemned to be burnt by the hands of the common hangman. And who indeed can say that already works of the sublimest genius have not been brought to an untimely end by your "arbitrary and infallible judges of "all controverted points in learning, religion, "and government."

But do not mistake me my Lord, as admitting that, if you had appointed the most able and the most upright man in the universe as the licencer of the press, the system can, under any modification, be tolerated; that it was either necessary or expedient; or that it is compatible with the existence of the smallest degree of freedom. In short, the right to impose previous restrictions upon

publications is a pretension too atrocious to have been made even by the most profligate of our tyrants; and its open avowal is unexampled in the modern history of the nation.

It is a gross and most stupid error which apprehends any danger to society from the freedom of the press. Was the press free in France when every species of atrocity was perpetrated with impunity in that country? No! It was always in the hands of some demagogue or faction, "the arbitrary and infallible judges, for the time being, of all controverted points in learning, religion, and government"—Nay, if the press had been free, it would have been utterly impossible that the atrocities of that æra could have been palliated, concealed, tolerated, or committed. And what great difference is there between a French demagogue, or usurper of power, and an English demagogue or usurper of power? He must be a person wholly incapable of deriving benefit from instruction, who can impute to any man desirous of imposing restrictions upon the press, however he may dissemble his views even from himself, any other than the most atrocious intentions. Of this I am very certain, that he who would most strenuously resist internal oppression, being most sensible of the blessings which we enjoy, would also be the most zealous to defeat foreign invasion; and that the domestic invader of our rights would, on the very same principle, be the first to betray us to a foreign ene-

my. If ever we become indifferent to the one, we shall by a natural progress soon be reconciled to the other; and then we should deservedly suffer the common lot of slaves.

But if any thing in nature can call forth our blushes, how must we redden at our own tameness, when we peruse the manly language in which Milton treated this subject more than a century and a half ago : “ We have it not (book-
“ licensing) that can be heard of, from any an-
“ tient state, or polity or church, nor by any
“ statute left us by our ancestors, elder or latter;
“ nor from the modern custom of any reformed
“ city, or church abroad, but from the most anti-
“ christian counsel, and the most tyrannous inqui-
“ sition that were enquired. Till then, books were
“ as freely admitted into the world as any other
“ birth; the issue of the brain was no more stifled
“ than the issue of the womb; no envious *Junc*
“ sate cross-legged over the nativity of any man’s
“ offspring: but if it proved a monster, who de-
“ nies that it was justly burnt or sunk into the
“ sea.” AREOPAGITICA.

There is another inconvenience attending the species of imprimatur which you have set up, and which, although it does not concern the public in general, is a serious grievance to those whom it affects:—*Proprietors of Newspapers may have to stop the press, and to disappoint the public, if they do not know where the Secretaries to the Government have been dining.*

LETTER XXVIII.

TO THE MARQUIS WELLESLEY, &c.

On his violation of the principles of the British Constitution, by the open and unprecedented assumption of the right of laying previous restraints upon publications.

“ This liberty (that of the press) is justly dear to every British subject. The Constitution *admits* of no *previous restraints* upon publications *of any description* ; but there exists *judicatures wholly independent of the executive government*, capable of taking cognisance of such publications, *as the law deems to be criminal*, and which are bound to inflict the punishment the delinquents may deserve.”

Official Correspondence between Britain and France, 1803,
p. 26.

My Lord,

It is a curious fact, whether it be considered as a coincidence, or only an imitation, that Bonaparte attempted to impose the same previous restrictions on the press in Britain, that your Lordship so successfully imposed in India. On perusing your regulations (page 62, et seq.), we find that the very first rule for the guidance of your secretaries in revising the materials for the press, enjoins that they shall *prevent* all such publications as shall appear to them of a certain tendency. But it is the law of the land, and the British government, in their official correspondence with

that of France, have expressly recognized it, that the British Constitution does not admit that any previous restraints should be laid upon publications of *any description*: and what are the topics which you have ordered not to be discussed? with a few exceptions, precisely such as are most essential to be known. Observations *on the state of public credit, the revenues, the finances*; the embarkation of troops or specie; naval or military preparations; the destination or expected arrival of ships; the *conduct of government or any of its offices, civil or military, marine, commercial, or judicial*; **** statements with regard to the probability of war or peace; observations *tending to convey information to an enemy, or to excite alarm or commotion within the company's territory*; the republication of such passages from European newspapers *as may tend to affect the influence and credit of the British power with the native states*.

Now, in the name of common sense, I should be glad to know what species of information is left for the unhappy editors of newspapers to convey; unless it be the periodical ablutions of the Brahmins in the river Houghly, or the splendid processions of the Governor-General to the distant provinces? These gentlemen, indeed, will derive this miserable advantage from the change, that their responsibility to their readers, and to the government (the laws are out of the question) will

be totally done away, since all their matter must be previously shaped and fashioned according to the ideas of some curious secretary, and of course rendered perfectly agreeable to the feelings of the most noble the Governor General.

You have surely not considered, my Lord, that if there be any subject on which publicity is essentially necessary to a nation, it is that of the state and appropriation of its finances. Let us, for a moment, contrast the darkness with which you have enveloped the finances of India, with the love of publicity which forms so prominent and excellent a feature in the character of the present Chancellor of the Exchequer, and which, if his ambition be of the right kind, he will never depart from. In laying before the public a statement of the finances of Great Britain, for the present year, he thus expresses himself:

“ If he indulged any pride in the financial detail
 “ which he had just laid before the House, it was
 “ this, that it is entirely open and without concealment. He had ever been of opinion that
 “ the publicity and notoriety of the financial affairs of Great Britain had been the prime source
 “ of her strength and success. He trusted this
 “ frankness and absence of disguise would never
 “ be departed from. Like the old Roman moralist
 “ he would wish so to build his habitation that
 “ every corner should be open to every eye, and
 “ every passenger become a spectator of what was

“going on within.—He believed if there were a
 “system in the world to which this sentiment
 “might be justly applied, it was the financial sys-
 “tem of Great Britain. If there was any point he
 “was more ambitious to attain than another, it
 “was the character of promoting that knowledge
 “and publicity. He should look to it on all oc-
 “casions, and consider it as inseparably connected
 “with the discharge of his duty to his country.”

But your system, my Lord, is that of darkness, mystery, and concealment, in every department. How, in the fettered state of the Asiatic press, can the inhabitants of India, whether European or native, know what is doing in Europe, or the inhabitants of Europe know what is doing in India? Commercial men cannot, but by means of private correspondence, even hear of the arrival or departure of ships. The consequences of such dreadful ignorance are too shocking to bear contemplation. Look at the state of the continent of Europe, and say whether that would have been so deplorable as it now is, if the liberty of the press had continued to exist, even in a factious state, in France. Do you believe that, if the press were free at Paris, Bonaparte would venture to issue orders, which are now implicitly obeyed, and dare not even be questioned? Do you believe that, if there were a press at Vienna, the recent calamities of the German empire, occasioned by the imbecility, blunders, and treachery of individuals,

might not have been averted ? Do you believe that, if a free press existed at Berlin, the wretched and mischievous policy of the Prussian Cabinet would have so long continued to prevail, to its own di-grace, and to the detriment of all Europe ? Do you imagine that if the press of Calcutta had continued to enjoy its wonted freedom, even your own measures, my Lord, might not have received salutary checks, when erroneous, and essential assistance when correct ?

Such is the powerful nature of truth, my Lord, that, with a free press for its circulation, the pernicious abuses to which so many nations are unhappily a prey, would instantaneously disappear, and the oppression by which their inhabitants are ground to dust would speedily vanish. Despotism has a natural affinity to darkness ; liberty to light. As flowers are nurtured into blossom by the heat and light of the sun, so are the virtuous propensities of man thrown into action by the animating beams of freedom. Immoderate abstraction or intensity are equally fatal.

With a press perfectly free, good institutions acquire perfection, and bad ones disappear. But the liberty of the press being extinguished, bad institutions spring up apace, and scarcely any good one can continue to exist. Were I asked what part of our glorious constitution it would be most fatal to lose, I would answer without hesitation : “ the liberty of the press. Leave me

“ that, and I will ensure the rest. But take that away, and I cannot answer a single moment for any other part of the fabric.” I do not believe, my Lord, (for really I do not think you a mere devil), that at the commencement of your war against the press, you had any idea of the length you might be induced to go, or of the enormous criminality of your object. But having once embarked, you thought it inconsistent with your dignity to return. Of what consequence is it to a nation, my Lord, if they are enslaved, whether the mischief arise from ignorance or design? We have a grand lesson of colonial alienation before us, which may show the danger of arbitrary proceedings in our distant provinces. Did not the tyranny of Governors, in concurrence with injudicious pretensions of the legislature, first produce those discontents, which terminated in the separation of America from Great Britain. That separation may now, indeed, be productive of a good to the world which was little foreseen. If the principles of such men as you and Bonaparte should unhappily prevail in Europe, liberty will still have *one* asylum in the universe.

For the comparatively moderate measures of our American governors, however, some plausible pretexts, some shadow of justification might have existed. But what possible justification can be attempted by you, for having utterly extinguished the liberty of the press in India, unless it

be the stale and vague pretext of state necessity,
the usual arguments of tyrants * ?

——— So spake the fiend,
And with necessity, the tyrant's plea,
Excus'd his devilish deeds.

Milton's Per. Lost.

But besides that public men may easily mistake the gratification of their own particular propensities for the general good of the state, no species of necessity, at least no necessity under which you, my Lord, as Governor General of India, could have laboured, can be admitted as an excuse for violating the most essential principles of the British constitution. Was you even beset with treason, sedition, insurrection, it would have formed no justification of your conduct, since there were British courts of judicature to try offenders. But the fact is, that there was even no visible pretext for your violent attack upon the press. Are the natives of India become politicians ? Or rather, are they not the least refractory subjects upon earth ? Did you design, by disgusting the Europeans, to conciliate the natives ? Or what, in the name of wonder, could your intentions have been ? Was not the press much more free, or licentious if you will, under the administration of Mr. Hastings, and other

* I find I was mistaken. Since this was written the *approbation of the Court of Directors* has been pleaded in defence of the Marquis's edict for the regulation of the press.

Governors, than it was, at any time, during that of your Lordship? They, particularly Mr. Hastings, were even personally attacked. But they had too much conscious dignity and good sense to resent these ephemeral effusions of discontent, and too much wisdom to think of restraining the liberty of the press, on account of its occasional licentiousness. "Good men," says Junius "to whom alone I address myself, appear to me to consult their piety as little as their judgment and experience, when they admit the great and essential advantages accruing to society from the freedom of the press, yet indulge themselves in peevish or passionate exclamations against the abuse of it. Betraying an unreasonable expectation of benefits pure and entire from any human institution, they, in effect, arraign the goodness of Providence, and confess that they are dissatisfied with the common lot of humanity." *Preface.*

After disobeying the orders of the Court of Directors, and treating the principles of the British constitution with contempt, what more could be expected but that, if there were no obstacle but your own inclinations, you would have declared yourself independent of both? But your restrictions on the press constitute by far the most extraordinary measure that I have heard or read of in civilized times. It is even the most extraordinary act of your own government. If there

were really any rational grounds for a measure of political audacity, on which very few Governors would have chosen to venture, you, my Lord, with all the ingenuity that belongs to you, will no doubt be able to explain. At present, however, it must be regarded as a singular phenomenon in the history of British government, that the press, in our great Eastern empire, should be subjected to restrictions, which would be reckoned disgraceful in any of our little islands in the West Indies, of which the inhabitants are principally slaves.

These restrictions I shall first consider, as they are a violation of the British Constitution, *which admits of no previous restraints upon publications of any description*; and for this doctrine, without going back into antiquity, I will quote an authority to which even your Lordship will not object: I mean that of Lord Hawkesbury. It is yet in the recollection of every one, that, while this Nobleman was Secretary of State for Foreign Affairs, Bonaparte roused the utmost indignation of every British subject, by attempting to dictate limitations to the press of this country, not however one tenth part so degrading as those you have imposed upon the press of India. When "*the first of a long series of conflicts between the greatest power in the world, and the only free press remaining in Europe* *," began, Lord

* Sir James Mackintosh's speech on the trial of Peltier.

Hawkesbury, in his answer to M. Otto's representations (see correspondence between Great Britain and France, &c. 1803, p. 26), declared the liberty of the press to be "justly dear to every British subject. *The constitution admits of no* PREVIOUS restraints upon publications of any description; but there exist judicatures, wholly independent of the executive government, capable of taking cognizance of such publications as *the law deems to be criminal*, and which are bound to inflict the punishment the delinquents may deserve."

Now I beg you will have the goodness carefully to compare this clear, and luminous exposition of the noble Secretary of State, with your own general regulations for the press in India, and with your summary proceedings in my case, and to tell us whether you think you have not violated the principles of the British Constitution, of common justice, and of common sense; whether you, a mere Governor of a province, have not taken upon yourself to do that which his gracious Majesty cannot do, and that which has never been claimed by any branch of his illustrious house, *to impose previous restraints upon publications, of which the constitution of this country does not admit.*

The murderer of his friend, whom we so justly abhor, only takes away the life of one individual, by which, if detected, he forfeits his own. But

the successful invader of the freedom of the press, deprives us all of the condition which alone renders life worth the holding, and of the means of exposing and punishing his own iniquities. Instead of my own crude thoughts, let me state the ideas of Milton on this subject, which may be considered as a genuine instance of the sublime: "Who kills a man, kills a reasonable creature, God's image; but he who destroys a good book, kills reason itself, kills the image of God, as it were in the eye. * * * * We should be wary therefore what persecution we raise against the living labours of public men, how we spill that seasoned life of man, preserved and stored up in books; since we see a kind of homicide may be thus committed, sometimes a martyrdom, and if it extend to the whole impression a kind of massacre, whereof the execution ends not in the slaying of an elemental life, but strikes at that ethereal and fifth essence, the breath of reason itself, *slays an immortality* rather than a life."

AREOPAGITICA.

An admirable idea of De Lolme on the liberty of the press, is so peculiarly applicable to the present subject, that I cannot help quoting it: "In short, whoever considers what it is that constitutes the moving principle of what we call great affairs, and the invincible sensibility of

“ man to the opinion of his fellow creatures, will
 “ not hesitate to affirm, that if it were possible
 “ for the liberty of the press to exist in a despo-
 “ tic government, and (what is not less difficult)
 “ for it to exist without changing the constitu-
 “ tion, this liberty of the press would alone form
 “ a counterpoise to the power of the prince. If,
 “ for example, *in an empire of the East*, a sanctu-
 “ ary could be found, which rendered respectable
 “ by the ancient religion of the people, might
 “ insure safety to those who should bring thither
 “ their observations of any kind ; and that, from
 “ thence, printed papers should issue, which, un-
 “ der a certain seal, might be equally respected ;
 “ and which, in their daily appearance, should ex-
 “ amine and freely discuss the conduct of the ca-
 “ dis, the bashaws, the vizir, the divan, and the
 “ sultan himself ; that would introduce immedi-
 “ ately some degree of liberty.” To this ingeni-
 “ ous idea I will just add that, if any man, of a ro-
 “ mantic turn of mind diametrically opposite to that
 “ which distinguishes your Lordship, had taken the
 “ fancy of introducing into India, that sanctuary
 “ mentioned by De Lolme, there is no place upon
 “ earth where he could have done it with less risk
 “ of danger.

LETTER XXIX.

TO THE MARQUIS WELLESLEY, &c.

A few words on his general government.

“Ego ita comperi, omnia regna, civitates, nationes, usque eo
prosperum imperium habuisse, dum apud eos vera consilia valuerunt.”
Sallust.

I WILL now, my Lord, ask any man of the smallest particle of candour, what could have been expected from that arbitrary spirit, of which I have given such damning specimens, when carried, as it must have been, into the various branches of the administration of public affairs, but that it should produce, among the native powers of India, disgust, irritation, revolt, and war? Accordingly during the whole course of your administration, India has experienced these calamities in so full a measure, as scarcely to have enjoyed a single day of repose.

Nor let our common sense be insulted by being told, that it argues great talents in a Governor General, with a numerous and one of the best composed armies in the world, together with the whole power and influence of the British empire at his back, to vanquish, either in conjunction or detail, the half-disciplined rabble

of a few petty princes of India. To those who are acquainted with the country such boasts must appear ridiculous in the highest degree. If a school-boy were placed at the head of the government of India, I maintain that he could not, but by superseding the King's and the Company's old and experienced officers, to make room for his own ignorant or inexperienced favourites, avoid conquering. But this no Governor could do while the liberty of the press existed. He could not, but by the extinction of that liberty, prevent the affairs of British India from flourishing, almost without a battle.

There might, indeed, have been a time, as in the administration of Mr. Hastings, when to have even preserved a footing in India required energy and wisdom. There might have been a period, as during the mad administration of Sir John Shore (Lord Teignmouth), when, from the discontents of the army (I was there at the time, and a critical period it was) it required the most consummate prudence to restore order and safety.* But we do not find that these Governors thought themselves authorised, or thought it would contribute to promote their

* To such a height had this danger arisen, that it was even reported at Calcutta, that the officers of one of the distant cantonments had put the Commander in Chief (General Abercrombie) under arrest.

views, to impose restrictions upon the press, to blindfold the people. Certainly, at either of these periods, the intemperance which has characterised your government, my Lord, would infallibly have lost India. And it remains yet to be proved that the precarious advantages which, under the most favourable circumstances, you have lately gained by dethronements, bloodshed, and battles, might not have been more firmly secured by prudent negotiation.

But a single moment's reflection will teach us that the pure ignorance which prevails on these subjects in Europe is entirely to be attributed to the extinction of the liberty of the press in India. At every step, indeed, we meet with some calamitous consequence of that extraordinary measure; and the farther we travel the more dismal will the prospect appear: "Let it be instilled into your children, let it be "impressed upon your minds," says Junius, "that the liberty of the press is the *palladium* "of all the civil, political, and religious rights "of an Englishman."

Those who wish to know the extent to which, in your transactions with the native powers, you have pushed what are commonly, although, perhaps, not very justly, called Machiavelian principles of policy, will be able, notwithstanding the great pains that have been taken to disguise them from the world, to collect much

information from the investigations that are now afloat. I recollect, after my expulsion from India, reading some justification of your conduct in commencing hostilities with Tippoo, deduced from documents *afterwards* found in the capital of that unfortunate monarch. My exclamation at the time was, and it happened to be prophetic, what a valuable depot of justification will Seringapatam prove to the Marquis Wellesley ! Your general and very commodious doctrine towards the Princes of India, especially since the fortunate discovery of that depot, may be summed up in a few words : “ If you keep
 “ up an intercourse of friendship with any
 “ power, which may give rise, *in my breast*, to
 “ *suspicious of hostile intentions* towards the British Government, I will immediately declare
 “ war against you, sack your capital, and employ my Persian translator to comment upon
 “ the papers purporting to be your correspondence with other powers, that *may be found*
 “ in your cabinet, which commentaries I will
 “ publish to the world, to shew that you were a
 “ traitor to the British power, and that I was
 “ justified in attacking you. But farther, I
 “ would have you to know, that it is my fixed
 “ determination, if any correspondence shall be
 “ found in the cabinet of any dethroned prince,
 “ ~~in favour of~~ even hostile wishes on your parts to
 “ the British power, to punish you, or if by

“ death you should elude my grasp, your poste-
 “ rity, with dethronement and loss of territory,
 “ *at least*; and that I shall consider all mutual
 “ expressions of regard, in the common hyper-
 “ bolical stile of Asiatic compliment, as inferring
 “ the crime of hostile wishes against the British
 “ power.”

Such, my Lord, without any strained inference,
 is a correct abstract of your doctrines of the laws
 of nations; and they are of so extravagant a na-
 ture, that the public will be curious to know the
 Grotius's, the Puffendorfs, and the Vattels of
 the East, whom you deigned to consult as your
 authorities. But lest I should be suspected of ex-
 aggeration, I must particularly request the reader
 would peruse a pamphlet, printed for R. H. Evans,
 Pall Mall, entitled, *The Carnatic Question consi-
 dered, in a Letter to a Member of Parliament, &c.*
 There he will find ably and perspicuously detailed,
 by a gentleman possessing much local as well as
 general knowledge of Asiatic affairs, the extraor-
 dinary transactions relating to the dethronement
 of the Nabob of the Carnatic, which Mr. Sheridan
 so repeatedly and so forcibly characterised, in the
 House of Commons, by the epithets unjust, inhu-
 man, and atrocious. The frequent absence of
 this gentleman from Parliament, on the recent
 discussions of Asiatic affairs, has to many been the
 subject of surprise and regret. But those who

know the unalterable principles of that eloquent statesman and patriot, and that he stands irrevocably pledged to wipe away a foul stain from the character of the country, by bringing this most iniquitous transaction before the legislature, to be by them, in its principles and in its consequences, most solemnly disavowed, remain confident in their expectations that his pledge will not be long unredeemed.

Your conduct towards some other Princes of India are already in a train of discussion before parliament. From the confusion and doubt which will purposely be attempted to be thrown on them, it will, perhaps, be difficult for the public to form a true judgment of their merits or demerits. But I think no man can fail to understand, that to go through the solemn mockery of treaties with Princes, whom those who sign them declare *not* to be independent of the Company, to whom, "in all the forms of peremptory obsequiousness," they devote in respect to their military, administrative, and, I may almost say, down to their culinary, establishments, is one of the most impudent pieces of acting with which the world has ever been insulted, or by which humanity has ever been outraged. That policy which consists in violating the essence, while professing respect for the forms of justice, is disgraceful to the last degree to a civilised nation. I should be glad to ask any Asiatic Governor or Member of Council,

what rights they consider those unhappy Princes, who neither enjoy the dignity of independent sovereigns, or the security of ordinary subjects, to possess? To answer the question satisfactorily would, I believe, puzzle the most ingenious casuist among them. It is, however, very easy to answer it truly. They have no rights whatsoever; but are wholly dependent on the will of the Company's Governors. Their condition is even more precarious than that of an African slave, who has at least the interest of his owner as a guarantee for his personal security.

To persons wholly unacquainted with the affairs of India, the subject may be obscure and disgusting. Those, however, who dislike the labour of wading through voluminous documents, will find a tolerably correct image of the state of that country, in the actual situation of France and its surrounding tributaries and vassals, now falsely dignified with the name of *fœderative* states; the principles pursued by you in India being precisely the same which, when *afterwards* pursued by Bonaparte in Europe, deservedly encountered the reproach and execration of the world; nor do variations of turpitude depend solely upon degrees of climate.

To what tribunal can the miserable natives of India, if their *kists* should be levied by military execution, if they should be oppressed by Euro-

pean magistrates, or dethroned by a Governor General, resort for redress? Where can they find a press through which to utter their groans? Not one. They must be all buried in the compassionate bosom of some Secretary to the Government! Still less can the aggrieved Princes, or subjects, of India, penetrate through the clouds of misrepresentation and sophistry, by which their claims are purposely obscured, or hope as to procure redress in Europe? Under the present system it is utterly impossible. The miserable native has nothing to do but to submit. But it is astonishing that it should be expected by any Governor, that the pitiful affectation of respect to the rights of the natives, which consists in deposing one nabob, and setting up another more obsequious, should pass for aught but robbery, on any person in the intellectual scale above the rank of an idiot. If the benefit of the natives formed any part of the consideration, it would be much better consulted by allowing the deposed Nabobs and their families a provision proportionate to the revenues of which they had been deprived, taking their territories avowedly under the jurisdiction of the Company, and admitting the inhabitants to all the privileges of the English laws.

If our authority must be extended, it should be done in the manner least prejudicial, or rather most advantageous, to the natives. But on the present most odious system, precisely the reverse

is the case. The people are subjected to double burdens, since they must raise the tribute paid by the nabobs to the Company, and bear the expence of their own governments besides. Under such a regime there can be no justice, there can be no security, there can be no safety, there can be no peace. Every thing is essentially arbitrary, capricious, and despotic, and it would be less cruel to the feelings of the miserable native to leave him exposed to the incursions of the irregular plunderers of his country, than to subject him to the more certain and systematic depredations of foreign tyrants. Deprived of the benefits of the English laws, as well as of the laws of nations, which we are falsely taught to believe in this country they generally enjoy, what encouragement have the natives of India to come under the English yoke, or the princes to remain faithful to the engagements they may have formed? The world should be informed whether a system so atrocious be the offspring of your own brain, or begot by the Court of Directors or Board of Controul. At all events it is necessary to the honour of this country, that the monster should be solemnly and formally disavowed by the government of the parent state.

There are two points more on which I shall touch in this letter. The first respects the use you have thought proper to make of your council. Their names can no more avail you in my case than the approbation of the Court of Directors of your edict

respecting the press. It is well known, and I shall have no difficulty in proving it, that you unceremoniously dispensed with the authority of your council as often as you thought proper or convenient. In some considerable state transactions you even never consulted them. Their names being so regularly employed in my case is therefore only an additional proof that you felt your conduct could not stand upon its own merits. It is of little importance to enquire whether the members of your council were equally disposed with yourself to attack the personal freedom of the subject, and the liberty of the press, and whether they held the principles of the British constitution in equal contempt, or only granted their sanction to your measures from a culpable complaisance, as the discovery would in no respect alter the state of facts. I therefore only advert to this in passing, that I may have an opportunity of remarking on the lamentable inefficiency, for *good purposes*, that exists in the present organization of the Bengal government. In the first place, the Governor General may act contrary to the opinion of his council, if they should be unanimous against him. In the next place, *the commander in chief of the forces* is the second member of the *civil* government of a country containing fifty (now nearer sixty) millions of inhabitants. The other counsellors, two in number, are generally taken from the Company's senior servants, of whom it can be no disparagement to say that, deeply con-

versant as they may be with the principles and practice of commerce, they cannot be supposed to have had sufficient experience of the principles of the British constitution, or of the laws of nations, for rightly discharging the functions of such important offices; and in proof I need only refer the reader to the facts contained in the preceding pages. But besides the *description*, the *number* of those who compose the government of such a mighty empire, even if the power were more equally divided, would seem extremely disproportionate. Their number is now four. In the time of Mr. Hastings, they consisted, I think, of seven, when the extent of territory was not near so considerable. I do not believe that the disputes which then existed in the councils of Bengal tended either to diminish the vigour or justice of the government; and I hold it just as pernicious a doctrine to restore them to harmony by a reduction of their numbers, as to curtail the liberty of the press, in order to destroy its licentiousness. If we wish for precedents, the Dutch East India councils, when Holland was a free nation, were composed of many members, although their territories were, comparatively, of very trifling extent. In 1793, while Holland yet enjoyed some degree of freedom, three commissioners were sent out to examine into all the abuses of their different governments in India. The example seems worthy of imitation. These are points so obvious that it appears to me no man of an unsophisticated

mind, who has not a strong predilection for tyranny, will controvert them. At all events, it appears that in the present state of Asiatic affairs, while individuals are entrusted with such inordinate power, it is essential to the interests of the parent state that a frequent sweep should be made of the councils, as well as the Governors, of India.

I have heard it urged as an objection to your accusers that your administration is well spoken of by some of those who have returned from India. But the premises may be very true without the consequences attempted to be deduced from them being at all just. If, however, such testimony could possibly be divested of the suspicion of partiality, what would avail the weight of mere opinion against the evidence of facts? Those who approve of such conduct as I have depicted must be either of the same arbitrary disposition with yourself, and speak from sympathy, or they have not attended to the subject and speak at random, or they are your mere creatures. Many of those, indeed, who have returned from India with fortunes for the last years, must be persons, whom you have promoted, or served, or *might* have ruined; and, in either case, they owe you obligations. It is therefore quite natural that they should express them. If we consider, indeed, that the affairs of fifty millions of Asiatic inhabitants have been administered by a few thousand Europeans, under your Lordship's patronage, for seven years, it would be surprising, if a

considerable proportion of these Europeans did not, from those feelings of interest and dependence common to men, have some leaning of partiality towards you. To this reasoning, as derived from the most prominent principles of human nature, I would advise the people of this country, in forming their judgment of your conduct, strictly to attend. Even with these powerful sentiments, operating in your favour in the breasts of Anglo-Asiatics, I will venture to affirm, that, if polled, a great majority of them would decide against you; while if they were unanimous in your praise, opinion, as I have said, can avail nothing against the testimony of facts. The gentlemen of the Madras and Bombay establishments, who may be supposed better, as being less biassed judges of your conduct, than those of Bengal, do not, as far as I can learn, speak in high terms of the merits of your administration, or admire the system, which you have carried to such perfection, of deposing Nabobs, which they even seem to think may be converted into a lucrative trade.

LETTER XXX.

TO THE MARQUIS WELLESLEY, &c.

*Comparison of his measures with those of Bonaparte,
and of all the factions who have succeeded each
other in France during the revolution.*

—— I, demens. et scævas curre per alpes,
Ut pueri placeas, et declamatio fias

Juv. Sat. x. v. 165.

My Lord,

THE possession of unlimited power, under similar circumstances, will always produce similar effects on the ambitious mind. The factions that have succeeded each other during the French revolution, the usurper who has supplanted them, and you, my Lord, in the eastern world, have all displayed a similar eagerness to establish despotism at home, and, like so many modern Alexanders, a boundless rage for foreign conquest.

Unus pellæo juveni non sufficit orbis,
Æstuat infelix angusto limite mundi.

BUT none of you, excepting the Macedonian madman, could have given full swing to your unbridled desires, until you had first muzzled that implacable enemy to injustice,—that appropriate scourge of human wickedness,—the press. Alexander, indeed, had no free press to muzzle, and consequently not

much freedom of any kind to destroy. He must therefore be acquitted in part of the atrocities so deliberately committed by his imitators in conquest. It remained for modern vandalism to adopt methodical plans—DIGESTED SYSTEMS—for replunging the world into darkness and barbarism. But my business is at present more especially with your Lordship.

The extraordinary restrictions laid upon the press in India are not alone worthy to be considered as they are a violation of the British Constitution. They also deserve our most serious attention as their immediate effect is to re establish despotism and increase ignorance throughout Asia; as they deprive the inhabitants of India of authentic information respecting the state of Europe, and the inhabitants of Europe of authentic information respecting the state of India; and finally as they concur with the impious views of Bonaparte, of establishing despotism, ignorance, and barbarism, over the face of the earth. It seems, indeed, as if there had been a certain emulation between you; and truly you have both been wonderfully successful. Could you have shook hands across the Isthmus of Suez, what congratulations might have passed on the conclusive results of your respective achievements! The one had conquered the liberty of the press in France, and almost in Europe; the other had extinguished it in Asia. (The annihilation of personal and every other freedom follows of course.) You might in future banish, imprison, or even behead, without

any one daring to communicate the tidings to the public. You might render the *fortunate* and *great* people, over whose destinies you presided, as ignorant as your hearts could wish or your purposes require. You might assume an active and positive, as well as a negative, controul over the press.

Eulogiums upon your upright administration, benevolence, wisdom, integrity, and knowledge, being thus gravely and pompously transmitted to other nations, by your own pure vehicles of intelligence, how would the multitude gape and marvel at the prodigious talents of such mighty men!—Is it any wonder that this horrid system should produce the most deleterious effects upon your own minds?—The extravagant adulations of the French and Asiatic presses remind me of a powerful man of antiquity, who did not even find the incense too strong, when one of his parasites told him that the very turbot on his table had longed for the honour of being caught for his use: *Ipsc capi voluit*. On which Juvenal makes a remark unfortunately not less applicable to modern than it was to ancient times:

—— Nilul est, quod credere de se
Non possit, cum laudatur dis æqua potestas.

Sat. iv. v. 70.

Without meaning you a compliment, I do think, my Lord, that you are not unworthy of being compared with Bonaparte. Although a trite, it is here a very apposite remark, that extremes meet. I will not be so unmannerly as to apply to a man of your

rank the adage: *stulti dum fugiunt vitia in contraria currunt*. But it has so happened that although Bonaparte in his revolutionary, and you in your anti-revolutionary rage, have been travelling in opposite directions, you have at length met on the very summit of despotism.

Your apeing of royalty when you caused a throne to be erected at Madras, for the purpose of receiving the Ambassadors of the native princes, will not readily be forgotten by the officers of the coast, who are not so much accustomed to pomp, and shew, as those of Bengal, and despise effeminate and vain-glorious parade. Such profusion as was practised, on that occasion was never witnessed in India. When you meditated an excursion to Seringapatam, and determined to astonish the natives by bringing the Governor and Council of Fort St. George in your train; when the road from Madras to Vellore was lined with troops for the splendid occasion, and thousands of Paccalies* were daily employed to water the roads, you must have been truly in your element. What a pity that the delusion could not continue for ever! What a contrast with your silent and unnoticed landing in England! Can any thing more resemble these proceedings than the processions of Bonaparte and Josephine through the degraded provinces of France, when the roads were watered and strewn with roses for their reception? Power has such similar intoxicating effects upon vain minds, that it would be difficult to say to

* Water-carriers, with horses and leather bags.

which of you the following pompous communication belonged: "As a mark of *my favourable acceptance* of your services, I have this day appointed you to be *one of my honorary Aides de-Camp*; a *distinction* which I have reserved for such officers as have proved highly meritorious in the field, or in the conduct of negotiations with foreign states" Upon reading this to a friend, he asked me if it was not a translation from the *Moniteur*.

When we consider these events, not merely as causes of regret to the world, but as matter of curious speculation, we are forced to acknowledge that our surprise and indignation are less powerfully excited by the despotism of a man educated in France, and inured to the discipline of armies, than by that of a man educated in Great Britain, and issuing from the very bosom of the British Senate. In grappling with the doctrines of Brissot, by which you mounted to the government of India, I fear, my Lord, you insensibly became a zealot, and lost sight of that decency, which is due to the feelings of mankind. Even Bonaparte, while imposing shackles on the press of France, as strong as those which you have imposed on that of Asia, deemed it too scandalous, by regulations duly transmitted to his Secretaries, to make an open avowal of his profligate tyranny. In not adding insult to injury, there is a merit, although of the negative kind.

It will be matter for the serious consideration of the people of this country, whether, if you are suffered to escape the punishment of your crimes, the next step will not be to procure you a seat in the Cabinet ; and if that unfortunate event should ever happen, I confess I, for one, should begin in earnest to despair of my country. Let us for a moment consider the prospect. In the first place, what concord could subsist between you and those members of the administration, whose recorded opinions, if any faith can be placed in man, are so diametrically opposite ? How could Mr. Fox, Mr. Sheridan, Lord Howick, or Lord Erskine, ever act with a man who has utterly extinguished in Asia that liberty of the press, for which they have nobly fought so many battles in Europe ? How could the chancellor of the Exchequer, without suppressing the amiable ingenuousness of youth, and forgetting all the wise doctrines of his venerable father, mix his councils with so impure a stream ? How could that independent and most respectable member of parliament, Mr. Whitbread, the formidable enemy of delinquency, vote in unison with a man under the imputation of such serious offences against the state ? How could Mr. Wilberforce, and those independent members of parliament, who conscientiously act with him, as the steady supporters of our constitutional liberties, bear to behold a man in the councils of the nation, who has most shamefully violated every principle of freedom, and reduced the

inhabitants of Asia as nearly as possible to the condition of African slaves? How could Caville, Windham and Minto, the sage and successful champions of our national independence abroad, ever sanction domestic principles of government, which, if not equally odious with, would in the end infallibly lead to foreign subjugation?

These, however, are comparatively trifling dangers. What security should we have, or at least what confidence could we feel, that a person of precisely the same despotic principles with Bonaparte, a person who has introduced banishment and slavery into India on the very same footing that Bonaparte has introduced them into France, would not combine with him for the destruction of our freedom? It is at least exceedingly natural that a man who hates freedom should endeavour to destroy it --that a man who has given the most unequivocal proofs of attachment to arbitrary principles, should rather wear gilded chains under the sway of a brother despot, than remain subject to the rude and unmerciful animadversions of a free press. The liberty of the press, it should never be forgotten, is the most powerful and the sole efficient friend of freedom, as it is the most powerful and the sole efficient enemy of despotism. It is therefore naturally detested of tyrants: for "while virtue is an enemy to Pygmalion, Pygmalion will be an enemy to virtue."

But it was not alone the liberty of the press in India that was obnoxious to your Lordship. Did you not even endeavour to suppress the circulation of newspapers from Europe, and with that view cause official notification to be made to certain officers of Indiamen at Saugar Roads? Could any thing be more precisely in unison with the measures of Bonaparte, when he prohibited the introduction of English newspapers into France? And were not your motives precisely the same, namely to prevent the people under your respective governments from perusing unmannerly strictures on your conduct?

We are even informed that a notice to the following effect was struck out of the proof sheet of an Asiatic newspaper, by superior order, although the truth of it was confirmed by Lord Valentia:—
 “ By letters from Mocha. of the 28th of August
 “ last, we learn, that Seid Mahomed Akil had just
 “ arrived with the *Pigeon* of Bombay, which he had
 “ purchased at the Isle of France, loaded with lead,
 “ iron, sugar, &c. This is a new vent for the
 “ plunder of the enemy, and furnishes a new proof,
 “ if any were wanting, of the rapidly increasing
 “ spirit and extent of the commerce of the Arabs.
 “ We understand, that to the above, and several
 “ other fine ships, purchased by them at the isle of
 “ France, they have lately added the *Upton Castle*
 “ of this port.” What might have been the evil
 tendency of this paragraph, seems very difficult for
 common penetration to discover; and I should be

curious to hear your Secretary explain the moral or political danger that could result from its insertion. From this example we may judge of the manner in which the office of Licencer of the Press is executed in India : *ab uno disce omnes*.

Now, my Lord, I must reluctantly observe, that although you have the merit of setting the example to Bonaparte of annihilating the personal freedom of the subject, and extinguishing the liberty of the press, that you are both, in this respect, nothing more than mere imitators of those atrocious men, who succeeded each other in power and in crimes, during the terrible period of the French revolution. Nor is it any praise of you and Bonaparte that you did not imitate Marat, Carrier, Robespierre, and Fouché, in those wholesale massacres, which they perpetrated, from the mere wantonness of tyranny, and the absence of every moral restraint. By moral restraint, I mean publicity ; and especially that species of publicity, which depends upon the liberty of the press. What but the absence of this Control could have enabled those monsters to carry their atrocious purposes into execution ? The very first measure of every victorious faction was to denounce, as a crime *against the State*, every thing that was not written *in their sense*.

By silencing the press, they were enabled not only to suppress all knowledge of their enormities, but to give for a moment even a colour of virtue to their crimes. Was not this the very course, with

certain necessary limitations, adopted by you in India, and by Bonaparte in Europe? Did you not both go as far in the path of tyranny as you durst? When Bonaparte usurped the supreme power in France, wholesale guillotining was indeed out of fashion; but imprisonment, banishment, transportation, a sossination, and as is said, private torture, were freely applied to use. Yet there were men foolish enough to give credit to Bonaparte for not being so cruel as his predecessors, when that species of cruelty which they exercised was out of fashion, and he could not have been so without the certainty of immediate destruction. The usurper, however, being freed from the most powerful of all moral restraints, was enabled to indulge his criminal propensities almost to the utmost extent of his wishes. Not satisfied with extinguishing all liberty of the press in France, he has converted it into a terrible engine of falsehood, to delude and to demoralize the world.

It is to this unfortunate state of the French Press, this nefarious suppression of truth and intrepidity of falsehood, from almost the commencement of the revolution to the present moment, that we owe all the calamities of France as well as of Europe; that many worthy men in all nations have been imposed upon, and still continue to a certain degree to be imposed upon, respecting the character and views of the French Government, by incessant torrents of the most audacious lies; that, groundless animosi-

tics, jealousies, and divisions, are successfully sown between states, whose inclinations and interests would lead them to permanent amity and concert ; and that the disorganization and demoralisation of Europe proceed with such gigantic strides ;— “ Better, ten thousand times better,” says the eloquent recorder of Bombay, “ would it be that “ every press in the world were burnt, that the very “ use of letters were abolished, that we were re- “ turned to the honest ignorance of the rudest “ times—than that the results of civilization should “ be made subservient to the purposes of barbarism “ —than that literature should be employed to “ teach a toleration for cruelty, to weaken moral “ hatred for guilt, to deprave and brutalize the “ human mind.”

I know that in what I am stating at present there is nothing new. But, when we still see the rumours fabricated at the Thulleries gravely copied in the English Journals, as articles of intelligence, and sometimes even without stating accurately the polluted channel from which they are taken, it is impossible not to think that we are not yet sufficiently on our guard against the most fertile volcano of public deception, and human evil, that ever appeared in the world.

With respect to you, my Lord, I will not for one give you any credit for not rivalling Bonaparte in all his iniquities. If you had been so inclined, the dispositions and habits of British subjects would

not have suffered you to proceed much farther than I myself knew you to have gone. If you had thought it expedient to order private strangulation, poisoning, or beheading, you could not have got a man base or dastardly enough to have executed your orders. If you had attempted, like Bonaparte, to assume a positive, as well as a negative, controul over the press, you would not have found a British Editor servile enough to insert your lucubrations. But to do you justice, my Lord, you have advanced as far and as rapidly in the road of despotism, as you could consistently with your immediate safety have done ; and infinitely farther than any man in England has the right to do.

LETTER XXXI.

TO THE MARQUIS WELLESLEY, &C.

On the difficulties of reaching Asiatic delinquencies.“ Impunitas peccandi maxima illecebra.” *Seneca.*

My Lord,

IN all ages of the world, men in power have committed injustice with the less repugnance, on account of the difficulty of conviction and punishment. The oppressor being the strongest, the oppressed generally prefers submitting quietly to one injury to the risk of suffering many. Either party may die*, or when a sea voyage is in question, be captured by the enemy, or drowned, or cast away. The chances of impunity are, in fact, numerous. The aggrieved party may labour under an ignorance of the laws and constitution of his country, a want of confidence, of resolution, or perseverance, or too great a facility of disposition; his resentments may be evanescent, his indolence predominant, or his sense of public duty dull; his papers may be lost, or his evidence imperfect; or, finally, some circumstance of prudence or of policy may induce him to submit in silence to his fate.—Your calculation of chances, in my case, my Lord, may have

* At the period of my expulsion from India, I was actually in a very bad state of health, and the chances of life and death seemed very equally balanced.

been rather too sanguine. Trusting to one or all of these casualties, you did not perhaps expect that I should ever rise up in evidence against you in Europe. But Providence, which presides over the destinies of man, has been pleased to order otherwise; and neither the length of your purse or the influence of your connections shall deter me from renewing and continuing the contest, in that full confidence of success, which is inspired by a good cause, and an impartial tribunal.

If we peruse with attention the modern history of Great Britain, we shall find that this principle of impunity is peculiarly applicable to the delinquencies committed in our Asiatic provinces. It is an enormous and growing evil, to which a strong, an efficient, and speedy remedy, must be applied; otherwise I do not hesitate to predict that, *in a very few years*, every sentiment that is valuable in this nation will be destroyed. When the question is whether enormous delinquency is to be punished, or our Constitution to be undermined and to perish, are we to be prevented by any circumstances of time, of distance, of inconveniency, or of expence, from entering into enquiries? If it should be necessary that every member of the Councils, every Secretary to the governments, every servant of the Company, in India, should be sent for and brought home to give evidence at the Bar of the House of Commons; if it should be necessary to print every document relating to Asia-

tic affairs, even to the amount of a hundred thousand volumes, is this expence, this inconvenience, and this labour to be avoided, and delinquency to remain eternally unpunished? Since the time of Mr. Hastings, the influence of Asia on Britain has increased, in a ten-fold degree, the importance of enquiry. Indeed to such a degree has this importance arisen, that unless immediate measures for an extensive and general enquiry be adopted, Britain will, in a short, a very short time, be nothing more than a back-shop, or at most a mere counting house of her own Asiatic possessions ; and we should then indeed merit the French reproach of *une nation boutiquiere*.

The difficulties of enquiry on the subject of Asiatic delinquency, are no new matter of complaint ;
 “ whatever encomiums have been passed on the
 “ judicial provisions of the British Constitution,
 “ certain it is that they have notoriously failed in
 “ the attempt to apply them to persons returning
 “ from India. The parliamentary prosecution of
 “ Lord Clive, by General Burgoyne, was easily
 “ defeated. The verdict of the Court of King’s
 “ Bench against the persons, who had imprisoned
 “ and occasioned the death of Lord Pigot, was such
 “ as to be considered by the persons condemned
 “ rather an object of merriment than a source of
 “ calamity. The bill of pains and penalties, which
 “ was introduced into parliament by Mr. Dundas

“ in 1782, was found to be unfit for the purposes
 “ it had in view, and was given up by its author.”

It is worth while to enquire how far these difficulties depend upon the nature of the subject, and how far upon less creditable circumstances. It will be recollected, that, in the case of Mr. Hastings, the ministry for a long time defended him, and, until the public opinion rendered it expedient for them to alter their conduct, threw every obstacle in the way of the prosecution. On that memorable occasion, Mr. Fox, justly indignant at the repeated refusal of certain papers, which had been moved for in various forms, exclaimed : “ What a precious
 “ farce is daily acting within these walls. We see
 “ the friends of Mr. Hastings affecting to be eager
 “ that every paper which is called for should be
 “ granted. We see the King’s Ministers rising to
 “ declare that nothing, which can properly be
 “ granted, shall on any account be refused. We
 “ hear other Gentlemen, who call themselves independent men, saying : By all means let the House
 “ know the whole, and be put in possession of
 “ every species of information. And yet we see
 “ the same men, all of them dividing together, to
 “ enforce a negative upon a motion for the most
 “ essential information, helping each other out with
 “ hints and whispers during the debate, and pointing
 “ to matters apposite to the argument on their side
 “ of the question, just as I and my Right Hon
 “ Friend would assist each other, when we are

“ maintaining the same point, and arguing for the
 “ same purpose.” Mr. Fox, in another place, ex-
 presses his opinions with great energy and truth :
 “ In a word, by such a conduct as that which was
 “ now held (refusing papers) the Board of Controul
 “ and the House of Commons would become an-
 “ swerable for having suffered the servants of the
 “ East India Company to believe, that they were
 “ secure from enquiry, and out of the reach of pu-
 “ nishment. What was the tendency of the last
 “ vote but to put it in the power of the minister to
 “ interfere in every investigation, and by his single
 “ veto to defeat the aim of that House in the exer-
 “ cise of its first, great, constitutional character, that
 “ of the grand inquest of the nation ? Armed with
 “ such a power, to what lengths might not a minister
 “ proceed ? Every criminal, however notorious his
 “ delinquencies, however numerous his crimes,
 “ however injurious to the national honour, would
 “ only have to *secure the protection of the treasury*
 “ to be able to laugh at accusation, and set con-
 “ viction at defiance.”

Under all these delays, “ Mr. Burke complained of
 “ the difficulties of keeping his witnesses together,
 “ some of whom were ill, and could not remain in
 “ town without endangering their lives. What he
 “ had heard led him to fear that it was intended to
 “ quash the prosecution ; for it was evident, from
 “ the language of Mr. Jenkinson, that one half of
 “ his accusations were gone already. It was struck

“ with the dead palsy, and was to live no longer.
 “ He considered one arm of the business as lopped
 “ away ; but, if he lost a leg, he would still perse-
 “ vere, and even, if reduced to the necessity, would
 “ fight like Witherington upon his stumps.”

Mr. Fox, in describing the difficulties Mr. Burke had experienced in his progress to that stage of the business, said “ that no man of inferior abilities
 “ would have surmounted them. As soon as he
 “ had brought forward the business in one shape ; it
 “ was stated by the other side of the house that the
 “ form of proceeding was wrong, and that another
 “ must be adopted. Still new modes were pro-
 “ posed, new delays invented, new artifices played
 “ off to confound, impede and embarrass ; but the
 “ house and the public must see through the
 “ whole.”

How far, in this respect, there is any similarity between your case and that of Mr. Hastings, the public will hereafter be better able to judge. In other respects there is certainly very little. And first as to their merits : during the administration of Mr. Hastings it was very difficult under the best management, to save India ; while, during that of your Lordship, it would have been very difficult, under the worst management, to have lost it. The charges against Mr. Hastings were brought forward by a body of men formidable from number and from talents, and, like artillery of large calibre, capable of battering down every thing that opposed them

while those against you are brought forward by individuals, not only not supported by party, but even liable to be thwarted in every stage of their progress. But if there be this vast disproportion between the attacking powers, it is more than counterbalanced, by the difference in the apparent criminality of the parties. The crimes imputed to Mr. Hastings were, in a legal and constitutional view, at least, dubious, whilst yours, my Lord, if my propositions be established, fill up such an immensity of space, that the most random shot cannot fail of hitting them. If every one of the twenty two articles of charge brought against Mr. Hastings had been fully proved, they would not have formed a crime of such enormous magnitude against the constitution of this country as that single one of having extinguished the liberty of the press, in a portion of the British empire containing fifty millions of inhabitants.

The disrepute into which, since the proceedings against Mr. Hastings, the trial by impeachment has unjustly fallen, has happily for the nation been obliterated by the celerity of the proceedings against Lord Melville. This effect I cannot better describe than in the words of the Speaker of the House of Commons, in giving the thanks of that house to the managers for the impeachment :—“ Gentlemen.—“ This House has, upon the result of a great and “ important enquiry respecting the administration “ of the expenditure of the public money, come to

“ a resolution to enter upon the most grave and so-
 “ lemn of all its functions, and resort to its prero-
 “ gative of impeachment against Henry Lord Vis-
 “ count Melville. It is the power of impeachment
 “ which has enabled the Commons of this country,
 “ at all times, to lay open the misdeeds of the high-
 “ est servants of the crown, and to prevent, or pu-
 “ nish, all inroads which may be made upon the li-
 “ berty of the subjects of this realm. In the pro-
 “ secution of this impeachment, the House has ap-
 “ pointed you to prepare and arrange the proofs
 “ of the complicated transactions on which their
 “ charges were grounded. Their charges were
 “ against a noble person, whose rank and high con-
 “ sideration in the State must hold him forth as a
 “ signal example either of good or of evil. Through-
 “ out the progress of the trial, they have witnessed,
 “ with peculiar satisfaction, your great attention and
 “ dispatch, which have rescued the trial by impeach-
 “ ment from the disgrace into which it had fallen,
 “ and restored it to its former strength and honour.
 “ They have witnessed in you an unwearied dili-
 “ gence in the discharge of the trust committed to
 “ you, a singular sagacity in discovering the proofs,
 “ a boldness which so properly belongs to the Com-
 “ mons of the united kingdom, a strength of argu-
 “ ment, and a power of eloquence, which threw the
 “ light of day upon dark, secret, and criminal
 “ transactions. The final issue of this trial now
 “ remains for another body. It is before one of

“ the highest of human tribunals ; it is the House
 “ of Lords which is to determine ultimately for
 “ the condemnation or acquittal of the person ac-
 “ cused. Be the final issue what it may, you have
 “ done your duty. You have satisfied the expect-
 “ tations that the House had formed of you, and
 “ you have deserved their approbation and their
 “ thanks. I am ordered by the House to com-
 “ municate to you the approbation and thanks of
 “ the House for the faithful management of the
 “ trust reposed in you.”

It is true that the system adopted for the go-
 vernment of our Asiatic territories is in itself
 completely and fundamentally erroneous, and
 that nothing but a total change of that system can
 effect a radical reform of the political evils, which
 afflict India, and, through it, Great Britain. But
 this alone is not sufficient. It is also necessary
 that those servants of the State, who act improp-
 erly under any system, should suffer the punish-
 ment they merit. For if, on account of the diffi-
 culty of prosecution, we admit the certainty of im-
 punity, it will require much more than the ordi-
 nary degree of political integrity not to act badly
 under every system, when such enormous temp-
 tations, as those which are created by unlimited
 power in India, are thrown in the way of an ambi-
 tious mind.

The difficulty of prosecuting great criminals,
 however, it must be evident can only arise from

the undue protection, which the very consequences of their crimes, or the influence of their connections may enable them to obtain ; and this very prospect forms a great incitement to crimes. *Tanta in muneribus fiducia.* But, if the people wish the Constitution to be transmitted unimpaired to their posterity, they will express their loud and universal disapprobation of all attempts to stifle enquiry, direct or indirect, from whatever quarter they may proceed. I have already mentioned the attempts that were made in the case of Mr. Hastings. Those which were more recently made in the case of Lord Melville are in the recollection of every one, and also how nearly they had succeeded. On that memorable occasion, the present Chancellor of the Exchequer concluded a very impressive speech, in terms well calculated to produce a conviction of his political integrity. “ If the motion of the right honorable gentleman (Mr. Pitt) took place, it was a vain toil, a fruitless labour, to follow up the question further ; in that case, not only would a Treasurer of the Navy be found to be violating an act of parliament for upwards of fourteen years, but also would be found a House of Commons who would suffer those charges to lie on their table, only anxious how they might avoid such an investigation, and, after all this trouble, a power should step in between the criminal and the law.”

Indeed when we consider the reforms that are made and projecting in every department, under the present administration, and their declared hostility to every species of rapacity, speculation, and oppression, we have a sure guarantee that no ministerial attempt will be made to prevent a full and impartial investigation into your conduct, my Lord, or into that of any other Governor, against whom well founded accusations may be brought. The consequences to be expected from adopting and inviolably adhering to these principles of reform have been well described by the Chancellor of the Exchequer, in his excellent speech at the opening of the budget: “ If the people did feel cheerful in
 “ the present crisis, when, from the failure of other
 “ modes of assistance, we were left to rest on our
 “ own means and strength; if they were firmly and
 “ unanimously determined to carry on the present
 “ contest with spirit, until war became no longer
 “ necessary, and until every thing valuable to man
 “ was secured to them, he must attribute that cheer-
 “ fulness, and that determination, to the confidence
 “ they entertained that the resources and revenues
 “ of the state would be applied economically. He
 “ believed that such a feeling of confidence did ex-
 “ ist in the country, and certainly if ever men were
 “ committed to abide by their principles they were
 “ the present administration, who, should they be
 “ induced to depart from the system which it was
 “ their duty to pursue, must retire loaded with

“ shame and disgrace. This, however, he trusted,
 “ would be far from the case. The labours of the
 “ commissioners of naval inquiry, from which the
 “ public had already derived so much advantage,
 “ and the labours of the commissioners of military in-
 “ quiry, recently instituted, who, he trusted, would
 “ emulate the diligence and patriotism of the for-
 “ mer, must afford to the administration abundant
 “ opportunities of shewing their vigilant attention
 “ to the proper administration of the public purse.
 “ When he stated that ministers were in the highest
 “ degree desirous of following the suggestions of
 “ those boards, and when he stated that in his de-
 “ partment steps had been already taken to prose-
 “ cute for, and recover, the sums lost to the pub-
 “ lic in the West Indies, and to remedy the abuses
 “ in that country, which had been allowed to re-
 “ main a perennial source of fraud, rapine, and
 “ misapplication of the public money: when he
 “ made these statements, he was aware that he on-
 “ ly stated that ministers felt their duty, and were
 “ resolved to perform it.”

I have indeed heard it frequently observed, with
 respect to parliamentary investigations, how very
 much their fate depends upon the state of parties
 for the time being, and how very little upon the
 intrinsic merits of the case. I have heard it alleged
 that the affairs of a semi-barbarous Asiatic Rajah, or
 a mere question of commercial monopoly, is ca-
 pable of exciting more interest, among the guar-

dians of our public rights, than the most marked oppression, persecution, or ruin, of a British born subject, or the most vital stabs given, through him, to the principles of our constitutional liberties. I have heard it said, that, if, on the score of private friendships, men in the ostensible situation of ministers were strenuously to defend the conduct of any person accused, before the documents on which the charges against him were intended to be founded were laid before parliament, or were, on the plea of policy, to oppose or to delay the production of them, it would be a very arduous task, if not an impossibility, to bring a delinquent so situated to punishment. But for my part, I cannot believe one word of these allegations, as applied to the members of the present administration, in their connection with your Lordship. I cannot for a moment believe, that the very men, who so justly blamed one administration for endeavouring to screen Mr. Hastings, and another for endeavouring to screen Lord Melville, from investigation, would be the first to commit the same error; thus raising in the minds of the people a dangerous suspicion, that they cannot with safety place their confidence any where. Neither can I, without the evidence of facts, believe that those respectable bodies of men, who on a recent occasion applauded in public addresses the prosecution of delinquency, were actuated only by personal or party feelings, or that they will not equally support and applaud the prosecution of delinquency,

to whatever individual, or to whatever party the imputation may attach.

There may be cases, I admit, in which the situation of a minister is very delicate, when the question relates to a particular friend. The matter, however, seems to my simple perception, sufficiently clear. The paramount duty of a member of parliament is to protect the rights of the people, and to investigate the conduct of those accused of violating them. When the feelings of friendship come in competition with the sentiments of duty, the most that can be fairly admitted is silence. In parliament, the public cannot possibly separate the minister from the man; and they will not easily believe that while he professes to speak only in the one capacity, his influence is not operating in the other.

The acquittal of Mr. Hastings and of Lord Melville can nowise affect the justice of this reasoning. The Lords have pronounced those decisions; and we are bound to receive them. But the Commons also pronounced that there was ground of impeachment; and we are equally bound to respect their authority. I therefore conclude that you, my Lord, whose alleged crimes exceed, in my opinion twenty times those imputed to Mr. Hastings or to Lord Melville, cannot escape impeachment by the Commons, without an inconsistency, I will even say a criminality, of conduct, which appears almost impossible to suppose, on the part of the representa-

tives of the nation. You may, to be sure, escape, by something like a miracle, through the clouds; and, whatever may be our opinion, it will be our duty, if even with sorrow, to acquiesce in the verdict. But under indiscriminate acquittal, if such were possible, it argues great ignorance of human nature to believe that inquiry and impeachment do not tend powerfully to the prevention of crimes.

LETTER XXXII.

TO THE MARQUIS WELLESLEY, &c.

On the necessity of vigilance on the part of the public.

Quis custodiet custodes ipsos?

My Lord,

NOTWITHSTANDING the guarantee we have in the principles of the present administration, that abuses will be abolished and delinquencies prosecuted, prudence requires that there should be no relaxation of vigilance on the part of the public, to the conduct of the legislature, in respect to delinquencies in general, but especially in respect to the gigantic and overwhelming delinquencies of the east. With all due respect for these bodies, I must be allowed to say that they cannot be the worse for frequently hearing, and being actuated by, the sentiments of the people,

as conveyed through the medium of the press. This vigilance, and this expression of sentiment, are what we have an undoubted right, and what it is our bounden duty, to exercise ; *Quis custodiet custodes ipsos* is a question that it behoves every community frequently to put, respecting the administrators of their public affairs, and it is a question which may be solved in eight words :—*the exercise of the liberty of the press*, that liberty which you, my Lord, have taken such pains to destroy.

The bold, and seasonable, but constitutional, exercise of this liberty deters from crime, brings delinquency to light, and may even confirm the vacillating integrity of a legislature. We remember at the commencement of the proceedings against your Lordship, how much obloquy was attempted to be taken out of doors on the conduct of the House of Commons, and that the reproaches which were then made, however unmerited, appeared to have had the effect of somewhat increasing circumspection within. But the public I fear were led by these calumnious reports into injurious, although not very unreasonable, inferences, respecting the fidelity of their representatives. Indeed when we consider the unequivocal purity, virtue, disinterestedness, patriotism, and impartiality of that august body, it is impossible, upon mere hearsay evidence, to give any credit to the scandalous imputations that were trumpeted

forth, or, in alluding to them, to suppose that they are not imaginary.

If in a society of private gentlemen, one of the party should address them, respecting a criminal accusation, of which they had the right to take cognisance, but, during his speech, a great number of persons should interrupt him, by coughing, talking in private committees, and walking about, would not such conduct be deemed highly indecent, unjust, and unbecoming the character of men or of gentlemen? would it not have very much the appearance of brow beating, in order to quash enquiry? If lawyers were to start up in the society, to defend, in modest maiden speeches, the conduct of the accused person, professing total disinterestedness of views, declaring that they had no acquaintance with the person in question, even by sight*, and that the accusing party was acting at his peril,—nay, under a dreadful responsibility, would not the public, if they confided in the purity of special pleading, be led to form the most unfavourable ideas of the accuser, or if they did not, to conclude that so extraordinary a mode of proceeding was resorted to solely for purposes of intimidation? But if the unfortunate accusing member should be told by the society, we will not entertain your charges without documents, nor will we allow you documents (although another

* The touch, as a medium of acquaintance, was not specifically disavowed.

member of the society might have had them in his pocket) to found your charges, but we will treat you as a calumniator for having dared to bring such accusations forward; would not the public conceive that it was the decided intention of this society to cover the accused person, and to proclaim, as far as depended upon them, an universal toleration of crimes?

But, as with respect to the House of Commons, such facts must be considered impossible, so must all inferences drawn from them be considered unjust*. That House, as is well known, is composed of two grand and several minor parties. It would certainly be a singular phenomenon in politics to

* The complete and ridiculous defeat of Lord Temple in the House of Commons on Friday redounds highly to the honour of that body, and will no doubt be hailed as ominous of final justice by the public. In the debate on this occasion, the Master of the Rolls pathetically lamented the hardship under which the unfortunate Marquis laboured by not being brought to an immediate trial, which, in the present stage of the proceedings, would in effect be an immediate acquittal; observing, what is in itself very true, but not in the smallest degree relevant, that the poorest subject is entitled to demand and to have a trial within a limited period. This wise provision was enacted to *prevent*, the enquiry into the conduct of the Marquis Wellesley, which it was attempted to precipitate, is instituted to *perpetrate* oppression. The learned and worthy gentleman's sensitive fibres, it is to be hoped, do not vibrate responsive to the imaginary hardships of the Marquis Wellesley alone. If he has any bowels of compassion for the *real* hardships of dethronement, imprisonment, banishment and persecution, which this noble Marquis, in the plenitude of his power, was pleased to inflict upon others; if he has any feeling for the sullied dignity and honour of the nation, he will have numerous opportunities, in the course of the pending enquiry, to call his sympathies into action. Ally Hussein, deposed, imprisoned, committed to the custody of those interested in taking him off, dying, will claim some small portion of his commiseration.

see those parties all vying with each other in receding from popularity, by covering the delinquencies of an individual. If it were possible, however, that such a case could happen, it could not happen more opportunely than while we have the remedy in our own hands. We are fortunately on the eve of a general election. Either the Parliament will be dissolved before the charges against you are decided upon, or it will not. In the former case, the people, if they are true to themselves, will not give a single vote to a candidate, who does not give a specific pledge that he will resist abuses and prosecute delinquencies; in the latter, they will not hereafter give a single vote to any man who resists enquiry, and pronounces you, or any other accused Governor, innocent without investigation. Such are the effectual means by which, when sentiments of duty fail, the people of England have it in their power, once in seven years, to punish their representatives: and they ought not to omit an opportunity which so seldom occurs of exercising this grand constitutional authority.

Accordingly, it will be proper, and you may depend upon it, my Lord, it shall not be neglected, to inform the people of England of those who may best merit their suffrages at the approaching election. The public will also I trust think it necessary to exert themselves particularly in frustrating all the attempts that may be made to inundate parliament with your partisans, lest parties should

fall into the disgraceful situation of being distinguished only as supporters or opponents of the Marquis Wellesley.

If, my Lord, we can be supposed to have arrived at that last stage of degradation, in which the question is, whether an individual, or the liberties and the constitution of the country, shall prevail; if you are become a personage of such mighty importance, that, without reference to innocence or guilt, all public men shall range themselves as your friends or your enemies, it may be necessary to consider you in another point of view. If the apparent success of your criminal exploits has so much dazzled the world; if the fame of meretricious talents and virtues, or the influence of immense wealth, has so far exalted you above the rest of your fellow-subjects, that you cannot be made amenable to the ordinary laws or tribunals of the country: then we shall have to regret that the ancient law of ostracism, by which every citizen, however eminent, when his influence became formidable to the State, was for that very reason sent into exile, does not exist in Great Britain, as a last regular resource to the people against the tyranny of oligarchic influence.

Let me now sum up my accusations.

In the preceding letters it has been proved, that you protected a magistrate with the strong aim of power in unlawful and tyrannical proceedings, that

you united, in your own person, the judicial with the executive authority ; that you virtually asserted the principle that an apology to a governor is an atonement for offences, identifying yourself with the laws ; that in some cases, you made an enormous misapplication of the unconstitutional law respecting India, and violated it in others ; that you acted upon the most ridiculous doctrines respecting the nature of offences, and displayed the utmost vanity respecting the terms in which you ought to be addressed ; that you assumed the power of enforcing or dispensing with existing laws, according to your own interpretation of them, and of making new laws, at pleasure, annihilating the personal freedom of the subject, and establishing in fact an absolute despotism ; that by your mode of oppression you virtually asserted the right of exercising a jurisdiction even beyond the territories you governed ; that you extinguished the liberty of the press in India, and established an odious *imprimatur* ; that you violated, in a most indecent manner, the principles of the British constitution, by openly laying previous restraints upon publications, that you even endeavoured to render ignorance more complete by discouraging the circulation of publications from Europe, that your general government was characterised by a despotic, tyrannical, and vexatious spirit ; and that your measures resemble, as nearly as difference of circumstances would allow, those of Bonaparte,

and of all the factions who succeeded each other in France during the revolution.

Thus by a chain of incontrovertible facts, it stands demonstrated that you have, generally and particularly, fundamentally and in detail, violated, in the most gross and scandalous manner, the best principles of our constitution,—that you have taken away the very key stone of the arch, and left the whole fabric to tumble into ruins.

But such monstrous proceedings, if submitted to, would entail misery, disgrace and ruin upon mankind. Not to punish is to connive at them ; *nil interest facere sceleri an illud facias*. It behoves every man, who has sufficient penetration to discern their consequences, to consider the awful responsibility which he takes upon himself, in not resisting them with all his energies. The nature of this responsibility cannot be better described than in the words of Junius : “ We owe it to our
“ ancestors to preserve entire those rights which
“ they have transmitted to our care ; we owe it to
“ our posterity not to suffer their dearest inheritance
“ to be destroyed. But, if it were possible
“ for us to be insensible of these sacred claims,
“ there is yet an obligation binding upon our
“ selves, from which nothing can acquit us, a
“ personal interest which we cannot surrender.
“ To alienate even our own rights, would be a
“ crime as much more enormous than suicide, as
“ a life of civil security and freedom is superior

“ to a bare existence ; and if life be the bounty
 “ of heaven, we scornfully reject the noblest part
 “ of the gift, if we consent to surrender that cer-
 “ tain rule of living, without which the condition
 “ of human nature is not only miserable but con-
 “ temptible.”

Having now accomplished what I proposed, I
 shall conclude in the words of Cicero to the Ro-
 man Senate, respecting an atrocious delinquent
 of antiquity.

“ If that sentence is passed upon him which his
 “ crimes deserve, your authority, fathers, will be
 “ venerable and sacred in the eyes of the public ;
 “ but if his great riches should bias you in his fa-
 “ vor, I shall still gain one point, viz to make it
 “ appear to all the world that what was wanting
 “ in this case was not a criminal or a prosecutor,
 “ but justice and punishment. *”

* In the original: “ De quo si vos severe, religioseque judicaveri-
 tis: auctoritas ea quæ in vobis remanere debet, hæc erit. Sin istius in-
 gentes divitiæ iudiciorum religionem, veritatemque perfregerint: ego
 hoc tamen spero, ut, *judicium potius reipublicæ quam aut reus ju-
 dicibus, aut accusator reo defuisse videatur.* Cic. in Verrem.

THE END.

LETTERS,
CONTAINING A
CORRECT AND IMPORTANT
ELUCIDATION
OF THE SUBJECT OF
MR. HASTINGS'S IMPEACHMENT,
Which originally appeared in
THE ORACLE.

SECOND PART.

LONDON:

PRINTED BY AND FOR J. BELL, BOOKSELLER TO HIS ROYAL
HIGHNESS THE PRINCE OF WALES,
BRITISH LIBRARY, STRAND.

1790.

[*Price Half-a-Crown.*]

ELUCIDATION
OF THE SUBJECT
OF MR. HASTINGS'S IMPEACHMENT

LETTER III.

SECOND ARTICLE *of the* IMPEACHMENT

THE BEGUMS OF OUDE.

I AM now going to state the principal points at issue between the accusers and accused, on the *Second Article of Impeachment*, namely, the BEGUMS of OUDE -- *Begum*, in the Persian, signifies *Queen*; but it is a title in India given to ladies of very high rank, who are not of royal parentage. Such are the BEGUMS of OUDE. When the Nabob SUJAH DOWLA, of whom I said so much in my former Letters, died (in the year 1775), his *Subadary* descended to his son ASOPH UL DOWLA.--He left behind him a Widow, whom I shall distinguish, to avoid obscurity,

A rity,

rity, by the appellation of the *younger* BEGUM---He left also a *Mother* living, who was the widow of SEEDER JUNG, whom I formerly spoke of as being the first *Subahdar* of his family in possession of *Oude*.

It was the custom of SUJAH DOWLA, as it is of many men in the East, to deposit their treasures in the *Zenana*.---*Zenana* is a Persian word, signifying much the same as *Seraglio*, and is the place where the women are lodged. It is by people of rank held very sacred, and no person of the male sex permitted to enter it, except such as are very nearly related. They have rules for regulating these exceptions, and those who are allowed to see the women, such as brothers, &c. are called *Mebrem*.

Some months after the death of SUJAH DOWLA, his son ASOPH UL DOWLA turned his attention to the treasures of his father.

Mr. BRISTOW, who was then Resident at *Lucknow*, in a letter to the Supreme Council, states these treasures to amount to near two million

million sterling; but he says, that report made them more than double that sum. There are two points of view in which the deposit may be considered. Had it been a case between private individuals, the *Coran* would have decided it, and the *Mother*, it without a settled dower, and all her issue, would have had their respective shares, as settled by that book; but as ASOPH UL DOWLA was a Sovereign, or at least in the exercise of Sovereign Power, the treasures were generally considered as the property of the State.

I am of opinion, that in law, the BEGUM'S *Jaghire* would have been considered as a proportional dower. and that she would have had no share of the treasure in any event.

This is my idea at present, as far as I could collect from a small Arabic Treatise on the Mahommedan Law, now in my possession. There is also a large work now in the press, translated by Mr. HAMILTON and Mr. ANDERSON, from an Arabic manuscript,

script, called *Hedaya*, which contains a much fuller explanation of the laws respecting dowers, &c. than is to be found in the book above-mentioned. As this book will soon be published, it may be referred to ; and it is to be lamented, that it has not been translated long since, as it would have saved those gentlemen who inquire into India matters, from much error.

I remember having read in the *Hedaya*, that where the wife's dower is not settled at the time of marriage, they are guided by the customs of her husband's family ; thence I conclude also, that the *Jaghire* would have been considered as a proportional dower. I shall not argue the point of right, which is so indefinite, particularly in this case, where it may be considered in a private or public light, though much will depend on the opinion which the LORDS may entertain on this question : for if the treasure left by SUJAH DOWLA in the custody of his Widow, were by political law the right of the succeeding Sovereign, or the legal property
of

of his Son, by the laws of the *Coran*, I do not see how the BEGUM could think herself much injured, let the resumption take place when it would.

I must here digress for a minute, to take notice of something I heard from Mr. SHERIDAN---He reprobated the idea of right founded on either of these grounds I have stated ; and to maintain his argument, he told the Court, that the security of a *Zenana* is the title of a Saint to the relics on an Altar, placed there by piety, guarded by holy superstition, and to be snatched from thence only by sacrilege.---The inference he draws is, that because the *Zenana* is sacred, the treasure was the *begum's* own.

Whether Mr. SHERIDAN meant this as a beautiful period, or whether he was ignorant himself, I cannot say ; I should rather suppose the latter ; but certain it is, that the Son, ASOPH UL DOWLA, had as much right to enter the *Zenana* as his father ; and consequently the treasures were no more protected against the former than the latter.

ter. By the laws of the *Zenana*, the son was a *Mebrem*, as I stated before. It may assume the appearance of pedantry, but it is necessary to observe, that *Haram* in Arabic, means nearly the same : *Zenana* in Persian ; and *Mebrem*, being a participle of the same root, signifies a person prohibited in marriage, to whom the *Zenana* is consequently open.

In the book I before quoted, or in some other one in my possession, there is a chapter describing the degrees of consanguinity, which fall within the circle of *Mebrem*. It is for this reason that the Mahommedan Law makes a wide distinction between a man's taking by force or stealth a sum of money from his parents, and from those that are not related to him. In the latter case, it would be felony, if I may apply that term to Mahommedan Law ; but not in the former. The principle of this distinction must be, that no property can be secured from him who has by consanguinity a right to enter the *Zenana*. Neither did the natives in India, at the time of seizing the

the

the BEGUM's treasure, consider it in the same light it has been considered here, that is, as far as I understood from those with whom I conversed on the subject.

Mr. SHERIDAN says, the arguments of Mr. HASTINGS's Counsel were futile and frivolous---I do not know how they argued the point, not being in Court that day; neither am I much acquainted with either of those Gentlemen; but I can from my own knowledge take upon me to say, that Mr. SHERIDAN's arguments on this head cannot stand one moment before any person who has the slightest knowledge of the Mahommedan customs. To say that the *Mother* acquired, and that the *Son* lost a right to the treasure, from its being deposited in the *Zenana*, is the strangest idea that ever was started. Were I disposed to animadvert on that Gentleman's speech, there would be much room for it in that part where he tells the Lords, that they must not argue from the Turkish Mahommedans, they being of a mean and degenerate race. He was aware of there being no law or custom in
Turkey

Turkey that would warrant his *Zenana* doctrine, and he therefore makes a new species of Mahommedans for India. It is, however, very foreign to my purpose to point out the false conclusion in that Gentleman's Oration. There are Counsel for that business, and they will find no want of matter.

I have heard, Mr. SHERIDAN purposes publishing that Speech in the House of Commons, which produced this Impeachment. Were I in the list of his friends, I would advise him to imitate the wisdom of the *Grand Lama*, who deriving all his consequence from seclusion, keeps his person from public view. I have heard the *Mulnabs* read chapters of the *Coran* in such tone and accent, that I have been wonderfully struck with its seeming sublimity ; but when I read the same words with an eye to their sense, I found it to be mere trash. MAHOMMED foresaw that it would suffer by translation, and forbade the *Coran* being translated. Mr. SHERIDAN may lose by publication : and he cannot

cannot add to his fame, though he may to his fortune.

I will now return to the^a subject from which I have strayed almost imperceptibly to myself.

MR. HASTINGS considers the treasure lodged in the *Zenana* to have been the property of the *State*; but what his reasons for that opinion are, I do not know. He may say, that being assessed and levied on the public for public uses, they ought not to be employed for private purposes; and thereby drive the successor to levy new taxes on his subjects to supply the exigencies of State, which would not have existed, had the collections been turned to their proper or intended use. The KING of PRUSSIA seems to have entertained a similar opinion, when he told his successor, that the wealth he had amassed was the property of the Public, and not of himself. MR. HASTINGS will probably bring stronger reasons than those I have suggested, to support his opinion.

nion, that the *Mother* acted unjustly in withholding the treasure from her *Son*.

In the latter end of 1775, the NABOB being much straitened for money, requested the interference or mediation of the Resident Mr. BRISTOW, who accordingly undertook it, without any instructions from the Supreme Council. The result was, that he prevailed on the lady to give up 30 lacks, or 300,000*l.* in cash and valuables, and to cancel an obligation for 26 lacks of rupees, which she had lent her Son on a former occasion. This was all that could be obtained, without proceeding to violence; and in order to obtain even this, Mr. BRISTOW was obliged, in the Company's name, to guarantee her in the possession of the remainder of the deposited treasures, and also of her *Jagbires*. *Jagbires* are assignments of particular lands, for particular uses, such as the maintenance of families, &c. &c. They are analogous to Pensions, with this difference only, that it is a landed Estate instead of an Annuity paid by the Treasury

The Supreme Council, of which Mr. HASTINGS was, though Governor General, an inefficient Member, approved of the guarantee, and thus it rested till the year 1781. This was the nature of the tenure by which the *younger* BEGUM, or Mother of ASOPH UL DOWLA, held her property.

I shall now explain the situation of the Elder BEGUM, or Grandmother of the Nabob ASOPH UL DOWLA.---This Lady had certain allowances settled on her by her Son SUJAH DOWLA, for the support of herself and dependants, and the family of her deceased husband SEFDER JUNG. She had some Jaghire lands which she held by royal grant, I mean from the EMPEROR. According to her statement, her Grandson ASOPH UL DOWLA had deprived her of these allowances, and done many other acts extremely offensive to her. She therefore adopted the resolution of withdrawing herself from his dominions, and gave out that her intention was to visit *Korbella*, which Mr. MIDDLETON says is another name for *Mecca*; but I think it is the burying place
of

of HUSUN, MAHOMMED's grandson, who was killed and buried in the *Desarts of Chaldeæ*. This, however, is very immaterial. The NABOB disapproved of her departure, and requested Mr. MIDDLETON's influence who was then Resident at his Court, to prevent it.

Mr. MIDDLETON engaged in the business, and after much negociation, it was settled.-- The principal terms were, that she should go to *Korbella* when she liked; that her pensionary lands should be restored, and during her absence, be under the care of the *younger* BEGUM; that she should have the management of the *Zenana* (that is, her deceased sons, women and children,) and an allowance of about 14,000 rupees a month for their subsistence. There were other articles, but I have stated the most important.

The MANAGERS contend, that Mr. MIDDLETON guaranteed this agreement, and thereby pledged the Company's faith for the observance of it.

Mr.

Mr. MIDDLETON seems to consider himself as a witness only, and engaged no farther than to use his influence with the Nabob, in case he should be inclined to break it. It does not appear that he ever acquainted the Board with what he had done; but his successor, Mr. PURLING, did communicate some account of this guarantee, as the BEGUM seems to have considered it, to the Supreme Council in the year 1780. or thereabout. Probably the BEGUM might not understand the difference between signing as a witness, and as a guarantee. Mr. HASTINGS denies having any knowledge of this transaction; and it seems evident from several documents, that he never approved of the Resident's interference with the domestic arrangements of the Nabob's family, and the settlements of his parents.

Here I must beg leave to make a few observations upon the conduct of the Nabob and his Mother.---The latter had not honesty enough to give up any part of the Treasure she had in her possession when her Husband died, of her own free will and accord:---

cord :---for as I have shewn already, it was either the property of her Son in his Sovereign capacity, as Guardian and Trustee for the State, or it belonged to him as the legal Heir of SUJAH DOWLA, and to the other Children, &c. according to the proportions settled by the *Coran*.---To have made it her own, she should have set up a Will, of which I have heard no mention. The Nabob's character was so well known to his Mother and Grandmother, that neither of them would trust his word, unless the Company pledged their faith for his observance of it.---Accordingly, we find that when the Nabob gave a receipt in full for his share of his Patrimony, though in fact he got no more than the Mother chose to give him, Mr. BRISTOW became Security. It is observable, that this Gentleman acted without the authority of the Supreme Council, in respect to the agreement with the *younger* BEGUM, as Mr. MIDDLETON did with respect to the *elder*. It is natural to suppose that these Gentlemen considered an arrangement between such very near relations, rather of a private than public nature.---The interference

rence can be justified but upon one ground, namely, that the BEGUMS might be provoked to leave the Son's Dominions, and carry off the immense Treasures they were supposed to possess. Another observation occurs, that though the Nabob is represented by the MANAGERS as a most dutiful Son and Grandson, yet we find that in 1778, three years after the death of his Father, he had so stripped his Grandmother of all the Jaghires and Pensions allowed her by SUJAH DOWLA, for the maintenance of herself and dependants, that she was driven to the determination of leaving his Dominions, as the only means of preserving the residue of her fortune. And to effect this, she gave out that she wished to make a Pilgrimage to *Korbella*.

Here is another instance of the wonderful effect of Oratory, and of the skill which men of abilities possess in bringing one part of the Picture into the most striking point of view, whilst another of no less importance is thrown back into the Shade, and scarcely noticed. I have heard many people, who
happened

happened to attend Westminster Hall on particular days, or who read now and then in a Newspaper, some part of Mr. SHERIDAN'S Summary on this Charge, observe, that Mr. HASTINGS must have been lost to all the feelings of humanity, when he insisted on the Nabob's taking away the Treasures of his Parents : whereas the fact is, that the *old* BEGUM owed all she had to the interference of Mr. MIDDLETON ; and the *younger* BEGUM is indebted to the mediation and guarantee of Mr. BRISTOW for the detention of that property which she at least ought to have divided, or, in the opinion of most people, to have given up all together.---At the same time that I think it was indecent in the English Government to interfere in their public capacity between the Nabob and his Parents, yet having once sanctioned the agreement, and committed their faith to the BEGUM, they most undoubtedly ought to adhere to it. I think also with the MANAGERS, that the circumstance of Mr. MIDDLETON'S signing the Treaty, though perhaps without the knowledge of his Masters, bound them as effectually

tually as if it had been done by their express order and instruction, that is, if he signed it as a guarantee, not as a witness. But it is not reasonable to think, that in the former case, he would have kept it from the knowledge of his Superiors: if he did, he ought to answer for it himself.

MR. MIDDLETON, on his examination, did Mr. HASTINGS, in the opinion of many people who could reason only from the comparison of a few circumstances, more injury, by his want of recollection, and cautious mode of answering, than he would have done, had he given the most correct and explicit elucidation.---I do not mean to say that Mr. MIDDLETON was incorrect, but not knowing what facts might be thought criminal by the HOUSE OF COMMONS, he seemed afraid to answer many questions, lest they might on a future occasion be turned against himself. It seems Mr. MIDDLETON was advised by Counsel, (not Mr. HASTINGS's, for they refused to give him any on the subject) not to answer particular questions. That cautious mode may be very right, and it certainly

C

must

must be so, or it would not be recommended by all lawyers in general; but to those who are not professional men, and do not make the same allowances, it seems as if the witness was conscious of guilt, and therefore wished to hide it. The hearers, such as I have described, immediately give him credit for some thing infinitely worse than his examiners themselves impute to him.

This witness stood in an awkward predicament:---he had formerly been accused by Mr. HASTINGS, before the Supreme Council, of misconduct in this very business; and when he found himself prest by entangling questions, in Westminster Hall, he seemed fearful that every answer might be turned against himself. The MANAGERS represented this appearance of fear as the effect of his caution, and desire to screen Mr. HASTINGS; whereas in fact, his own safety was his real object, as he at last acknowledged, when he threw himself on the indulgence of the Court.

Such was Mr. MIDDLETON's case. Before I drop the subject of the right each BEGUM had
had

had to her Treasure and Jaghire, I must answer a question that will naturally rise in the mind of every attentive reader, namely, why did not the NABOB take possession of the Treasures deposited by his Father in the *Zenana*, immediately upon his accession to the *Musnud* or Throne? The answer is, that it was not in his power, without waging war with his Mother, who had all the City of *Fyzabad* and its vicinity in her interest, and therefore the issue might have been unfavourable. The NABOB took a different method, and tried to borrow the money, in which he succeeded to a certain amount; and when his Mother would lend no more, he applied to Mr. BRISTOW, as I have already stated. I should have observed, that in the year 1778, the NABOB seemed inclined to break through the agreement made with his Mother, under the sanction of Mr. BRISTOW, but was prevented by the Board.

I have shewn how the BEGUMS became possessed of their treasure and jaghires, and in what manner the Company guaranteed the

the

the possession thereof to the *Younger* BEGUM; for I cannot find that there is any proof of the Company's faith being pledged to the *Elder*. I have read the evidence over attentively, and I cannot find that Mr. MIDDLETON was authorised by the Board; on the contrary, there is a Letter from them to him, forbidding his active interference, but approving of his conciliatory mode of settling the disputes between the *Grandmother* and *Grandson* by advice. It does not appear by any of the public correspondence, that any greater latitude was ever given to the Resident.

The MANAGERS argue this point, on a presumption that there must have been private authority from Mr. HASTINGS alone. I must leave this point as it stands, there being suspicion on one side, and denial on the other.

In my former Letter I stated, that in the year 1781, Mr. HASTINGS went to *Benares*, and that an insurrection broke out in that province by the means of CHYET SING and his

his adherents. During these troubles, the Nabob marched with his troops to the aid of Mr. HASTINGS, and met him at *Chunar*, in the vicinity of *Benares*.

A new agreement was made between the Nabob and the Company, consisting of several articles; but that which more immediately concerns this part of the Charge was, that the Nabob should be at liberty to resume all the Jaghires and Pensionary Lands in his dominions. In the execution of this plan, Mr. HASTINGS urged the Nabob to make the resumption general. But with respect to the jaghires of the *Younger Peshwa*, he insisted that an annuity should be paid her, equal to the sum it was supposed to bring in. In this resumption Mr. HASTINGS seems in some measure to have been influenced, or at least accelerated by the reports he had heard concerning the aid which *CHERT SING* derived from some of these Jaghiredars, particularly the *BEGUMS*. But if he had heard no such report, reason and sound policy would have justified the measure. To what can we impute the rebellion

bellion at *Benares*, but to that weak policy adopted by the Supreme Council, when they suffered CHEYT SING to keep up a large body of troops, in a manner independent of the English Government. I do not mean, that he was independent of the English Government, for he certainly was not; but the Army in his pay looking no higher up than to their immediate Chief, put it into his power to assert independence whenever an opportunity offered.

One would have thought, that the double game which BUI WANT SING played between the Nabob SUJAH DOWLA and the English on a former occasion, might have convinced the Company's Servants of the absurdity of having too powerful a subject. Such was the case with the BEGUMS, for their jaghires were so large and populous, that we find the *Younger BEGUM* told Mr. BRISTOW, that if the English would stand neuter, her son might do his worst. Mr. HASTINGS saw the necessity of breaking this power, but he ought to have seen it sooner. Perhaps in excuse for this he might say, " I saw it before.

before, but had it not in my power."---It may be so.

The history of Europe shews the necessity of having the strength of a kingdom concentrated in one Government, of whatever form that Government may be. ENGLAND was full of intestine commotions till HENRY the SEVENTH reduced the power of the Barons, and FRANCE made but a small figure, before the whole force of the kingdom was under the immediate control of one Administration.

The resumption of the jaghires was certainly a wise measure, and cannot stand in need of any defence. Neither is it unusual for Sovereigns in India to revoke these grants; and I observe that Mr. PURLING gave evidence to that effect: for surely the power that gave, may resume. The BEGUMS had in natural justice a claim to an annuity of equal value, both on account of dower and of the guarantee, provided they had committed no act deserving confiscation. Our Legislature takes away part of any
man's

man's land, when wanted for public use, and compels the owner to take an estimated compensation in money, without consulting his inclination. If then it be justifiable to take away property for public convenience, such as new Roads, Canals, &c. how much more reasonable must it be, to do the same, though in a much higher degree, when the not doing it endangers the peace and safety of the community. Besides, in the case of the BEGUMS, there was something worse than ordinary: the administration of the jaghires was in the hands of two Eunuchs, who were notoriously disaffected to the Nabob. It is owing to this circumstance, that no direct proof of revolt can be brought home to the BEGUMS. Proof there undoubtedly is, but it is circumstantial. Their guilt can only be inferred from the conduct of their Ministers, for Ladies of their rank do not transact business in public. But of this I may have occasion to speak hereafter.

There appears to me to have been great impropriety in interfering between the Nabob

bob and his Parents in every instance, unless the Supreme Council considered them as possessed of separate Sovereignities. What would the Politicians of Europe think of it, if they saw our Ministry guaranteeing to the Mother and Grandmother of the FRENCH KING their respective Jointures and Marriage Settlements? However, as far as the guarantee extended, it is incumbent upon Mr. HASTINGS to shew that he adhered to the spirit of it, or to assign some reason for the contrary; otherwise, I agree with Mr. BURKE, that the honour of the nation is tarnished. I think I have already shewn beyond the power of objection or cavil, that the resumption of the jaghires was founded upon principles of prudence and sound policy, confirmed by recent and fatal experience. And if it lay in my power, I would rather institute an enquiry into the reason of its not being done sooner, than of its being done when it was. But as I said before, the BROTHERS were intitled to an equivalent. An annuity of equal value was proposed, but not readily accepted. They did not relish the idea of parting with their

D influenc

influence in the country. Doubtless they were encouraged to resist by their favourite Eunuchs, whose interest would be ruined by it. It is probable that they reasoned in the same manner as a wealthy Gentleman does in this country, who sets more value on 10,000*l.* a year rising from an extensive tract of land in some County, than he does on 11,000*l.* issuing from the Bank, as the interest of his Stock. The former gives him great influence, the latter very little, if any. In the resumption of the jaghires in general, the Nabob was left to his own discretion as to equivalents; and probably would have been so with respect to his Mother, had not the Company's faith been pledged. He was therefore bound to make them compensation, and the Company became answerable for the payment of the annuities, in the same manner as they did for their possession of their jaghires. In short it was an useful commutation.

MR. HASTINGS in his defence says, that gratitude to the Nabob for his ready assistance at the time he himself was in distress
at

at *Chunar*, was an accessary motive to the consent he so readily gave to the resumption of the jaghires. That might serve as a good reason for expediting the business, but one would have thought, that Mr. HASTINGS had seen enough at *Benares* to convince him of the general tendency which all the subordinate Chiefs have to revolt upon all occasions; and that none of them are actually subordinate longer than they are unable to resist. It may be said, that the *Constitution* of the *Mogul Government* is, *imperium in imperio*, or rather *multa imperia in imperio*. It is so; but it is wretched policy for the English to adopt, who hold their possessions in the East, as much by opinion as by force; and this opinion of English Invincibility grows weaker every day. To this division of power we may attribute all the intestine commotions in Indostan, and the present debility, I may almost say, annihilation of the Emperor's authority. There will always be an opposition, stronger or weaker, to every Government; and the difference which ENGLAND feels between its present state, and that previous to HENRY the

the

the SEVENTH, is, that then Opposition had recourse to their swords, and now to their tongues. The men are alike, the spirit is alike, but the means are altered.

From what I have said, it must be allowed that the resumption of the jaghires was prudent, wise, and just, whether a guarantee existed or not. But it strikes me as a very absurd conclusion, to maintain that because a Sovereign has granted a guarantee, he is not at liberty to withdraw it, when the circumstances which induced him to make it are no longer the same. All securities of this kind are made under an implied, if not expressed proviso, that it shall endure no longer than the party favoured shall deserve it. The only rule whereby we can judge of the conduct of the Supreme Council, is that of political prudence. Was it right in the English Government to interfere between the Nabob and his Parents? Certainly not, if the Nabob is considered as a Sovereign; if as a Subject, perhaps otherwise. Was it right to advise, or permit him to resume the jaghires, when experience had shewn
their

their ill consequences? Undoubtedly it was, and the blameable part is the first granting of them, particularly to Women, who must entrust the management to other hands.

Having now shewn why the jaghires were and ought to be resumed, I shall proceed with the narrative part. After the execution of the Treaty with the Nabob, on the 19th September, 1781, for the resumption of the jaghires, &c. it appears that Mr. HASTINGS receiving still further information of the BENGALS having aided CHURAT SING in the Rebellion at *Benares*, conceived the idea of confiscating that treasure which was in the possession of the *younger* BENGUM, the Nabob's Mother, and which, as I said before, was guaranteed by Mr. BRISTOW. The MANAGERS lay much stress upon Mr. MIDDLETON's renewing the same guarantee to the *Younger* BENGUM in 1778. It does not however appear, that he had any particular authority for it; neither can I perceive any use it was of, for Mr. BRISTOW's act bound the Company as firm as the renovation of the same by Mr. MIDDLETON could possibly do.

do. The guarantee to the *Younger* BEGUM is admitted. It is that to the *Elder* only which appears to be in dispute. But even this is in reality of little consequence, for the two Ladies were so blended together in every act, that whatever involved one, involved the other also.

The two BEGUMS are confounded together even by Gentlemen well acquainted with India in general. The Natives of India observe a foolish reverence in speaking or writing of persons of high rank: they do not like to mention their names, particularly of women, and hence in some of the Letters in the Books of Evidence, there is an apparent obscurity as to the Lady meant. The fact is, the principal share of power was in the hands of the *Younger* BEGUM, but the *Elder* was the Adviser and Directress in most things. The responsibility lay with the former, as far as it could lay with a Lady in a *Zemindar*.

In November 1784, as Sir ELIJAH IMPEY was about to pay the Nabob a visit at *Luck-*
now,

1780, Mr. HASTINGS sent by him a verbal message to Mr. MIDDLETON, the purport of which was, that if the Nabob were inclined to confiscate or take possession of that treasure, which had formerly been in dispute between him and his Mother, the guarantee would not be pleaded against him. I do not know that these are the precise words; but the spirit, I take to amount to this, that the Nabob might, if he thought proper, take possession of the treasure.

This is seemingly circuitous, but there was no method of interfering with the Nabob's Government but in the way of advice and recommendation ---It was well known that the Nabob longed for an opportunity to possess himself of that treasure, which he always had considered as unjustly withheld from him.

The MANAGERS take wonderful advantage of this circumstance: I mean the suggestion made by Mr. HASTINGS in the way I have mentioned.---The advising a Son to
rob

rob his Mother, is by them placed in a thousand different lights.---It certainly had a great effect upon the HOUSE OF COMMONS, when Mr. SHERIDAN opened this Article:---his Speech also had some effect upon the Audience in Westminster Hall.---I have sometimes thought that it would save a deal of trouble, if every Advocate and Orator on the accusing side of the question, were obliged to take an Oath that he would not directly or indirectly endeavour to make others believe what he did not believe himself, or to take a similar Oath at the end of his Speech, that he had not mis-stated any fact wilfully, nor represented any thing better or worse than he really believed it to be. I would lay this tax only on the accuser. Humanity makes great allowance for the accused. It is natural for a man to deny guilt : self-preservation justifies it ; but there appears to be something unpardonable in imputing criminality, when undeserved, and also in torturing acts into guilt by misrepresentation.

When

When Mr. SHERIDAN was talking of the tender Son, how much it would have taken off from the brilliancy of his colouring, had he said to the audience in the next sentence: *But remember, there was no time when the Nabob would not have done this very act, if not restrained by the Company.* And if he had added, *this tender Son was so cruel as to deprive his Grandmother of the allowances settled by his Father, and drove her to the resolution of flying from his Dominions, unless the Company would protect her.* How much would it have affected the pathetic part of his Oration, had he stated, that these very treasures were unjustly detained by an avaricious Mother from a needy and distressed Son. Yet Mr. SHERIDAN knew most of these circumstances perfectly well, when he made his Oration of four days length in Westminster Hall. He might say, and it is the only thing he could say, I do not believe one syllable that makes in favour of Mr. HASTINGS, but I implicitly believe all that appears or can be made appear against him. I cannot help saying, though perfectly uninterested in the fate of Mr. HASTINGS, or in the event of the Trial, that

E the

the knowledge which I possess of the subject, gave me that disgusting kind of view which a person unaccustomed to plays is liable to, and always feels, upon removing from the front boxes to behind the scenes, Mr. SHERIDAN understands the human mind: he knows how inflammable it is, and he knows how to warm it, and to cool it: he can mould it to his own liking. He knows that few people possess a mind like his own, that is capable of surveying a large Edifice at one comprehensive glance: he knows also, how to fix the observer's eye upon that part which may serve his own purpose, by exciting either pleasure or disgust.

I have been led into these digressive reflections by referring to that Gentleman's Speech to refresh my memory, in regard to a particular circumstance I shall soon have occasion to state.---I have just laid it down, impressed with two very contrary sentiments: I feel a high degree of pity for the weakness of those minds which cannot be seduced by sounding periods, and a still higher

higher degree of admiration at the Elocution of the ingenious Speaker.

To form a tolerable judgment of the merit or demerit of Mr. HASTINGS's conduct, you must enter into all his views and intentions when he left Calcutta to visit the Upper Provinces, and to settle the dispute with CHEYT SING. These I shall state, as far as I can collect them from the several accounts he has given himself, from the knowledge I had through other channels, and from the observations made by the MANAGERS during the trial. Mr. HASTINGS's first object was certainly the procurement of money, without which it was impossible for the wheels of Government to move at all.

I cannot avoid remarking in this place, that whatever errors Mr. HASTINGS may have committed, he was driven into them by a solecism in politics. I say a solecism in politics, yet I do not know where to fix the blame.---What I allude to, is the appointment of a Council to govern a kingdom; to wage war, and perform every other act of Sovereignty.

Sovereignty, without pointing out some mode of raising extraordinary supplies for extraordinary occasions. Every body knows, that in all States, there are times when the product of the year will not defray the expences of the year. What then is to be done? The Council have only the choice of illegalities---take what steps they will, and they must be condemned at all events, of acting illegally (I mean with respect to the Laws of Great Britain) if they are tried by Englishmen; for many people of this country have no idea of any thing being legal and just, which has not the sanction of Parliament, without ever considering, that in India there is no Parliament to consult. ---Another consideration with Mr. HASTINGS seems to have been the correction of some evils in the Nabob's Government, whose wealth and resources were found to be on the decline, and unable to support the army, there being at that time near a third of our military establishment in the Nabob's dominions, and in his pay. Probably he might then have had in contemplation the resumption of some, or all the jaghires;

jaghires ; for the Nabob had granted away so many as to diminish his Revenue without diminishing his expences. He doubtless had other views, but these were the most conspicuous. It happened with him, as it does with most others, that in the prosecution of one design, another design grows out of it ; that is, unexpected events happen, which generate other events. The rebellion of CHEYT SING was certainly an incident that deranged Mr. HASTINGS's plan ; but it is to that rebellion we must attribute the conduct of the BEGUM ; for though she might have entertained ill will to the English, she would have concealed it till a fit opportunity occurred of manifesting it. The affair at *Benares* was like a shower of rain, which brings forth the weeds ; but the seeds were in the earth before. No doubt, when Mr. HASTINGS was well assured of the BEGUM's disaffection to the English Government, and of her having lent aid to CHEYT SING, he conceived the idea, not of punishing her, for her sex would not allow of it, but of depriving her of the means of future mischief. But as to the jaghires, he most likely would
have

have advised or permitted the resumption of them, let the **BEGUMS** have acted how they would ; but they would have had a pecuniary equivalent.

There is one thing which has often occurred to my mind, when reflecting on the cruelty of taking away the jaghires and treasures, as described by Mr. **SHERIDAN** ; but it has not been drawn into argument by either party : it is, that the only people really and *bona fide* injured by taking away the jaghires, were the *two Eunuchs*, her Prime Ministers. Theirs was the real power, and they had all the influence. The **BEGUM** could, from her situation and confinement, do nothing but by the advice of these men. A woman secluded from view in a *Zenana*, could be but a mere tool or machine in the hands of her ministers. They wrote and dictated all her letters. It is impossible to have been otherwise. The very idea of suffering two Eunuchs, under the name of the **BEGUM**, to manage a large province, is absurd in the extreme, and could have been suffered only by want of consideration,

consideration, or the means to alter it. You see then, Mr. HASTINGS could not have had an idea of vindictive justice towards the BEGUM, whatever he might have had towards her Eunuchs. The former was beyond his reach, whatever his inclinations might have been : the latter were amenable to justice in their persons, and certainly ought to answer for their mal-administration, as much as a minister in this kingdom would do in like circumstances : I may say, a great deal more, for many reprehensible measures in this country, which have been imputed to the Minister of the day, did not originate with him. He was consequently blamable for the execution only, but the BEGUMS' Eunuchs were the authors and executors of every act, good or bad. So early as the year 1775, Mr. BRISTOW speaking of these men, says, that they preserved *a total independence upon the Nabob and his Ministers, refused obedience to his perreamahs, and beat the officers of his government.* I would here have it be understood in general, that when I speak of the disaffection and seditious disposition of the BEGUMS, I follow the language

guage of the Accusers and the Accused ; for in my opinion, the Eunuchs were principally, if not wholly culpable.

I said in a former part of this Letter, that after Mr. HASTINGS received what he thought decisive testimony against the BEGUMS, he conceived the idea of confiscating the treasure of which I have said so much. It is not perfectly ascertained, at least I cannot make it out from comparing the evidence, whether it arose from HYDER BEG, the Nabob's acting Minister, from Mr. HASTINGS himself, or from Sir ELIJAH IMPEY. The latter speaks of it as an idea of his own suggesting ; but the most probable thing is, and it is stated by Mr. SHERIDAN in his speech, that it was first proposed to Mr. HASTINGS by HYDER BEG, through the means of ALLY IBRAHEEM ; but in my opinion, it is very ill worth inquiring into. Certain it is, that Sir ELIJAH IMPEY gave his opinion in favour of the legality of it, founded on the supposition that the BEGUMS had been guilty of hostility, either by
causing

causing insurrections, or secretly aiding
CHEYT SING.

I have already taken notice of Sir ELIJAH's going to *Lucknow*, and also of the commission he was to execute ; but it happened that in a conversation with Mr. HASTINGS, concerning the Revolution which had just then taken place in *Benares*, he expressed an idea, that as Mr. HASTINGS had many enemies in England, it might be advisable for him to collect Affidavits in proof of those facts which had led to the Revolution above-mentioned. Mr. HASTINGS caught the idea, and approved of it ; in my opinion very injudiciously. In this opinion I do not expect many supporters, but my reasons are these --- Affidavits are to remove doubts, but a Rebellion cannot be a doubtful thing ; its consequences are felt far and near, and the report of it spreads, uncontradicted, through whole countries. You often hear various accounts as to the minutiae, but no man doubts of any of the rebellions he reads of in the English History. Besides, greater revolutions have been effected in India, and

F

the

the Directors relied upon the veracity of their Government for the statement of facts. Add to this, the idea of defending before accusation, implies guilt. I must say, I do much disapprove of Sir ELIJAH's advice, and blame Mr. HASTINGS for accepting it. Sir ELIJAH is esteemed a man of great professional abilities, and of a very superior understanding: he may have many objections to what I have stated, but my mind cannot of itself strike out any good reason for taking those Affidavits.

There is one mistake, however, into which the MANAGERS seem to have fallen, for they speak of the Affidavits as having been collected to establish the guilt of the BEGUMS, whereas that was not the object of them. The scheme of confiscating the treasure was adopted previous to the taking of the Affidavits. They were intended to justify what had happened at *Benares*, and all that relates to the BEGUMS came in collaterally; for the deponents gave in of themselves all that they knew of the troubles in general.

Had

Had these Affidavits been collected for the purpose of criminating the BEGUMS, they would have been much more full and explicit, that is to say, Mr. MIDDLETON would have informed those who made the Affidavits, that they must be particular in stating all they knew concerning these Ladies and their dependents. Mr. SHERIDAN took great advantage of this want of point, and infers from it, that Mr. HASTINGS could get no better proof to rely upon ; whereas the fact is, Mr. HASTINGS never tried to collect a body of evidence against the BEGUMS ; as it came in collaterally, and almost accidentally, he availed himself of their contents, when he found himself attacked upon this article. This distinction seems to be understood by very few of those with whom I have conversed on the subject. I know three officers, now in *London*, who conversed with some prisoners taken during the rebellion of CHEYT SING, at Pateeta or Lutteefpore, who declared they were of that party of Nujeebs who were sent by the BEGUMS from Fyzabad, and I believe from Colonel POPHAM. to the youngest officer

officer in his camp, the fact was never doubted, nor disputed. This is a circumstance I should not mention now, if the Gentlemen to whom I allude had not been summoned to give evidence in Wesminster Hall; and I must say, that Mr. SHERIDAN never displayed his abilities to greater advantage, than in the management of his evidence; I mean by contriving to keep back those Gentlemen who could have proved more than enough to spoil his speesh.

Nothing but the taking of these Affidavits could have suggested to Mr. PITT the idea of bringing the BEGUMS to trial before the treasures were confiscated. But Mr. PITT did not consider the impossibility of doing that:--their sex, the custom of the country, and a variety of other obstacles, arose in the way. Mr. HASTINGS had no judicial authority over any person in the Nabob's dominions, much less over his Parents. With respect to them, he was only guarantee, which security they forfeited, and he withdrew of course. Mr. PITT might say, the

the Nabob should, in some way or other, have given them a fair hearing ; but such an idea could originate only from want of knowing the Constitution of the Mogul Government. There is no Court of Justice to decide between the Sovereign and the Subject : the former admits of no authority or judgment superior to his own. The Monarch does not erect a tribunal, and become Plaintiff in his Court, as the KING of GREAT BRITAIN does. He hears, determines, and punishes from his own discretion alone : he makes his own judgment the rule of evidence. It is not so in the inferior Courts, for there, in cases between subject and subject, the rules of evidence are closely adhered to ; but I never yet heard of a State Trial or Impeachment in India.

Sir ELIJAH, at the time he went to *Lucknow* to take the affidavits, executed his commission also with respect to confiscating the treasures. The Nabob accordingly applied for permission, which was granted of course. But though, as I observed before, the idea of confiscating the treasure originated with his

his own Minister, the Nabob now wanted to make the confiscation an alternative for the general resumption of the jaghires, that is to say, he wished to be excused from taking the jaghires from the *Orderlies*, but expressed no reluctance with regard to those held by the BEGUMS. There appears to be an instability in the Nabob's conduct throughout all this business, not easily reconcilable at first sight with common sense. But the cause of it is accounted for, by recollecting that Mr. HASTINGS pressed him very hard to make the resumption general and as that measure would involve many of his particular favourites in ruin, the Nabob would rather have foregone the whole plan than injure them. These men, who had so strong an influence over the mind of their Master, were a set of *Orderlies*, who owed their promotion to disgraceful services. Though the Nabob left *Cbunar* the latter end of September, intending, as it was believed, to begin the resumption of the jaghires immediately, nothing was done during the next month, and part of November.

Mr.

Mr. MIDDLETON, whose influence with the Nabob was much relied on by Mr. HASTINGS, was either very dilatory, or very unsuccessful. And to hasten this gentleman in his endeavours, was another object of Sir ELIJAH's journey to *Lucknow*. It were needless to enter into a narrative of Mr. MIDDLETON's excuses, which appear rather contradictory, at least to my understanding. The alternative of confiscating the treasure, instead of resuming the jaghires, was not accepted by Mr. HASTINGS. On the contrary, he pressed the Nabob to adopt both measures, to which he was at times consenting, and at times adverse: however, the result was, that both were carried into effect, though not without much difficulty.---The two Eunuchs, who were the BEGUMS' Prime Ministers, were confined for some time, before they could be prevailed upon to give up, or discover the concealed treasure.

There certainly is one objection which must naturally occur to the mind of every attentive

attentive reader, namely, why was not the Nabob suffered to follow his own inclinations upon these two propositions? The only answer that suggests itself to my mind is, that the Nabob ASOPH UL DOWLA, is an extremely weak man, totally unqualified for any public station in life; that HYDER BEG CAWN, his acting Minister, has for many years in fact, managed all the business of the *Subabdary*; that he does so at this hour, under the auspices of Lord CORNWALLIS, for his Lordship represents the Nabob's character nearly as I have done; and though he does not interfere directly with the Nabob's Government, he relies upon the Minister, and consequently supports him. HYDER BEG CAWN knows that his office depends upon the countenance and interest of his Lordship, and therefore studies his will and pleasure. The Nabob is sensible of his inability to displace the Minister, without breaking with the English Government, and is of course obliged to follow the advice and suggestions of his Minister. The same influence prevails in the Nabob's Councils now as it did under the former Administration

stration in India, though perhaps more circuitously.

HYDER BEG was strenuous both for the resumption of the jaghires and the confiscation of the treasures : he was not biassed by the same partialities to undeserving objects as the Nabob was. He knew the danger of entrusting the Eunuchs with power, and the ill use they had made, and might again make, of the treasure in the possession of their Mistress. He knew also the weakness of the title under which she held it. He, as the acting, and only intelligent Minister, was well acquainted with the disordered state of his Master's finances ; the vast debt, near a million and a half, which he owed to the India Company ; and the utter impossibility of paying any part of it, or even of preventing the troops from mutinying, without a speedy supply of money---he, I say, knowing all these circumstances, was strenuous and urgent both for the resumption of the jaghires, and the confiscation of the treasures. The Nabob was, like many other weak Princes, compelled in a manner

by his Minister to consult and act for the good of the State.

I have all along called it a Confiscation, in which I have followed authority; but as many as are of opinion that Mr. BRISTOW'S guarantee was injuriously forced 'upon the Nabob, will quarrel with the term, and say that it was nothing more than the Nabob's taking his just, and long-withheld right. But I am speaking of facts which will be equally true, though I may err in the choice of terms.

The sums of money obtained from the BEGUM, together with jewels and other valuables, amounted to about sixty lacks of rupees, or 600,000l. sterling. The whole was not obtained at once, but received at different times, as the BEGUM and her Ministers could be prevailed on to part with it. Mr. SHERIDAN, in his Summary of the Evidence on this Charge, dwelt much on the cruelties practised on the Eunuchs; but I am told he was not so very pathetic before the

the Lords as he had been before the Commons, when he first opened this Charge.

Here it is necessary to observe a little on the difference of Customs in *England* and *Indostan*:---in the former, a man glories in being able to pay, and in having paid his debts. In the latter, he boasts among his friends, of having evaded them. But in all Countries where debtors refuse, or neglect payment, some sort of personal severity is made use of. Without it, the recovery of debts would be very precarious all over the World. It took up much time during the trial of this Article, to investigate the mode in which the Eunuchs had been treated, and also to enquire into the sufferings of the Ladies of the *Kbord Mahal*. *Kbord Mahal* signifies a little palace, and in this instance, it means a separate building, where the Ladies of the Seraglio resided. I apprehend its inhabitants must have been principally inferior Concubines, and natural Children of the late Nabob SUJAH DOWLA. As far as I could collect from the evidence of Major GILPIN and others, the inconveniences which these

these Ladies suffered, arose principally from failure of returns from certain assignments settled for their support, and would have happened equally, if the BEGUMS had been in possession of their treasures and jag-hires.

Much evidence was brought as to the manner in which the BEGUMS' palace was surrounded by the Sepoys, and the inconvenience which they consequently suffered. But I understood this was conducted by the Nabob and his Ministers, who certainly best knew how to compel restitution of property, without infringing the laws of decency and punctilio. As they cannot enter the *Zenana* in the same manner a Sheriff's-officer does the house of a resisting debtor, with a writ of execution, they are necessarily driven to surround the place, and prevent ingress and egress. There must be some way of enforcing the law upon women as well as men, let their rank be what it may; and it seems the mode adopted was the best, if not the only one.

I believe

I believe also, that the Sepoys which surrounded the *Zenana* were the Nabob's own, or if they were the Company's, the orders for their conduct came from the Nabob originally. I do not see that this Enquiry, let it turn out as it may, can affect Mr. HASTINGS, for he was not present. He can be answerable for no more than the permitting, encouraging, and persuading the Nabob to confiscate the treasures. If that measure was right, the mode of execution cannot make it wrong. If the BEGUM was wrong in detaining the treasure, all the inconvenience she was put to, was imputable to her own obstinacy. The whole merit or demerit must depend entirely on the withdrawing the guarantee, and encouraging, or even insisting on the confiscation.

There is to be sure an immense mass of matter in this Article, for it fills up a folio volume, exclusive of many very long speeches, probably, if printed, enough to fill another volume in folio; but the principal points may be brought into a very small circle indeed. The pith of what the MANAGERS say, is
as

as follows :---First, they endeavour to prove that the treasure was the property of the *younger* BEGUM, left by her Husband for the support of the several branches of his Family ; but of this I cannot discover a vestige of evidence, either written or oral. Then they endeavour to support her title to the treasure from the sacredness of the place where it was deposited, namely, the *Zenana* ; but I have commented on the *Zenana Law* already. Next they say, if both these titles fail, the Company's guarantee cures all former defects, and that the resumption of the jaghires was also a violation of the same guarantee. As Mr. HASTINGS has already given in his defence to the HOUSE OF COMMONS, they are enabled to combat the arguments he is expected to bring in vindication of his conduct ; and they consequently maintain that the BEGUMS never assisted CHEYT SING with men or money ; that the troops found in CHEYT SING's Army, which were in India supposed to have come from *Fyza-bad*, the BEGUM's residence, actually came from *Lucknow*, the Nabob's Capital. This assertion may be true, but it is at war with
common

common sense. It must have been very difficult, I might say impossible, to enlist a body of men to serve against the ENGLISH at *Lucknow*, where so many English Gentlemen resided, without the circumstance coming to their knowledge. Had the Nabob encouraged such a thing, it would have amounted almost to a declaration of hostilities.

Having endeavoured to shew that the BEGUM and her Ministers had committed no act of forfeiture, they proceed to shew, that no State Necessity existed, that is, that the English Government had made a Treaty of Peace with SINDIA, one of the Mharatta Chiefs, and had been successful on the coast, consequently the Company's affairs was secure from danger, and the Troops in no want of money. In this manner they preclude every kind of defence, by saying--- You did not confiscate the treasure for any act of the BEGUM, or her Minister ; nor were you under the necessity of raising money out of the ordinary way to carry on the war.

When

When a person in England, and who never was out of Europe in his life, undertakes to prove, in defiance of, and in opposition to the testimony of several Gentlemen who were on the spot, that no insurrection broke out, and that no act of hostility was committed by the inhabitants of a Province in Asia ; I say, when a person undertakes that task, every hearer must at least give him credit for great courage and resolution. . But should the same person, in contradiction to what passed under my own eye, in contradiction to thousands of documents, which prove that the War in India lasted long after the Treaty with SINDIA and the seizure of the treasures---should the same person, I say, rise up against all these contradictions staring him in the face, and tell us that no State necessity existed in India in the year 1781---what must my opinion be of the courage and abilities of that man ?

The MANAGERS lay great stress on the active part Mr. HASTINGS took in urging the Nabob to confiscate the treasure, and to resume the jaghires of his parents. They accuse Mr. HASTINGS also of subornation
of

of Letters, a term I do not understand well enough myself to explain it to others. They say also, that he carried on with the Resident at the Nabob's Court, two kinds of correspondence, one public and another private. They lay heavy stress on his sending or permitting Sir ELIJAH to collect Affidavits, which they consider as done rather to justify a future act of violence, than to discover the truth of what had passed. But I shewed in a former part of this Letter, that the Affidavits were taken to convince the Company at home of the causes of CHEYT SING's Rebellion, and that all that came in concerning the aid lent him by the BEGUMS, was collateral, and merely the overflowing of the minds of those who made the Affidavits, that is, being desired to state all they knew concerning the troubles in the Upper Provinces, they stated what they knew and heard respecting the BEGUM and her Ministers.

The MANAGERS say also, that the Rebellions which broke out in *Oude* and its vicinity, during the troubles of *Benares*, were

occasioned by the oppressions of Colonel HANNAY, who was at that time a Military Collector in certain Districts of the Nabob's Dominions. These are not all the items or allegations ; but they are the most striking features in the Second Article of Impeachment. The MANAGERS also charge Mr. HASTINGS with receiving a hundred thousand pounds, as a present from the Nabob, at the time the Treaty was settled at *Chunar*. This sum was carried to the Company's credit ; but they impute the act to fear of detection. I have taken no notice before of this present, because there is a particular article of Impeachment dedicated principally to the subject of *Presents*, and which is now under proof.

I do not know how Mr. HASTINGS will fend himself against these allegations, it being now entrusted to council, who, you know, mechanically (if I may use such a word in this place), deny all that cannot legally be proved against their Client. This, no doubt, is a very proper mode of defence, and so common among Lawyers, that a professional

fessional man would be condemned by his brethren, if he did not adopt it. But though I am ignorant as to the defence which will now be set up, or offered in a Court of Justice, I can state the substance of what Mr. HASTINGS has already said in answer to the allegations. He insists that the treasures were the property of the State ;---that Mr. BRISTOW acted wrong in making the guarantee, but as he did make it with the approbation of the majority of the Supreme Council, the Company was bound by the guarantee, until the misconduct of the BEGUMS forfeited it ;---that the BEGUM did forfeit her claim to protection, by the aid she lent to CHEYT SING, of which he had proofs satisfactory to his own mind ;---that the resumption of the jaghires was politically necessary ;---but that he intended her an annuity of equal value, guaranteed in the same manner as her jaghires had been ;---that a State Necessity did exist at the time he consented to the Nabob's taking possession of the treasures, which his mother with-held from him ;---that in employing Sir ELIJAH IMPEY to receive the

the Affidavits, he thought the rank of the Chief Magistrate would give additional weight to them. It is not meant that it could verify them, but that it would prove that the Deponents really did swear to their contents, which might otherwise have been doubted. It is probable Mr. HASTINGS might be led into taking the Affidavits, by the reflection that he did not enjoy the confidence of the Directors at that period, though he did that of the Proprietary.

Mr. HASTINGS denies the insurrections in the BEGUM's jaghire lands having been occasioned by the exactions of Colonel HANNAY. I did not observe in reading the evidence through, any probability of Colonel HANNAY's having excited or caused the disturbances in the BEGUM's jaghire lands. I do not see the possibility of it, as he had nothing to do with her districts. With respect to the subornation of Letters, I do not know what Mr. HASTINGS will say, nor do I well know what the word means, when applied to letter writing. If the MANAGERS mean, that Mr. HASTINGS procured such Letters to
be

be written by the natives as would serve to colour or justify his own conduct, it can only be said, that if he did act in that manner, it must have been owing to the opposition he constantly met with in Council ; no man ever does an act indirectly, that he can effect by direct means. No man who has not been a witness to the pernicious effects of a perpetually shifting balance of power, can form an adequate idea of the difficulties a Governor-General must be under, when opposed by the Members of his Council. He was by duty bound to propose plans for various operations, particularly in time of war, and when his plans were approved by the Council, nothing was more common than to have them checked in the middle by some objection or other. These difficulties drove him unavoidably to things which he would gladly have left undone, if his plans possibly could have been effected by direct means. It was precisely the case of a ship having the harbour in view, with a foul wind : to make the port, she must make many traverses, and alter her tack very often.

To an observer who did not know the Pilot's intention, these frequent changes in the course would appear unaccountable and absurd ; but the sailors, who knew the object, are not at all surprised at it. Astronomers were long puzzled to account for the apparent irregularities in the planetary movements, but when they erected a scheme, and placed the eye in the centre of the Sun, they obtained an immediate solution of appearances, and found the motions of the planets to be regular and uniform.

There is no way whereby you can account for Mr. HASTINGS's conduct satisfactorily, without taking into consideration the difficulties he had to contend with, and the objects he had in view. To preserve the Company's possessions, in a very dangerous and complicated war, was his principal object. I may say, as far as I can judge, his only one. But the difficulties which he had to encounter were innumerable: the Court of Directors disapproved of almost every means he made use of to raise money, though they never pointed out to him any mode of Supply.

Supply. On the contrary, they still expected the same Investment in time of war as they did in peace. And here, by the bye, I cannot help commenting a little on one striking absurdity which exists in the *Bengal* Government. The Company require two millions sterling annually to be drawn from *Bengal* by way of Investment, or to be sent to *Madras* and *Bombay*; yet after all these exactions, they expect the country to flourish, and wonder that it does not. Neither the Directors nor the Managers seem to consider the difference that must unavoidably take place in the state of two countries governed upon two diametrically opposite principles. This kingdom is governed with an eye to its own prosperity and advantage; but *Bengal* is governed with an eye, not to its own prosperity, but to the prosperity and advantage of Great Britain. It is in my opinion, extremely absurd to expect the same effect from two causes so totally different.

I cannot help comparing this system of Government to the management of a Farmer.

mer, who having two Estates, carries all the manure to one Estate only, and thus having robbed one to improve the other, he wonders that both do not bear equally good crops. If any person seriously considers the drain of Treasure from *Bengal* in the last war, and since the peace, he will be astonished to find the country in so very flourishing a state. It carries conviction to my mind, that the British Government is by far the best and the most lenient, that *Bengal* has experienced, since the original invasion of it, by the Mahommedans.

That a State Necessity did exist, I can speak from my own knowledge; I mean, that the troops must in the end have mutinied, had not treasure been procured by some means or other. For my own part, I know of no other resource at that period, than that which was adopted; but it is probable, that, if the BEGUMS had not been hostile to the English Interest, and thereby forfeited all claim to protection, Mr. HASTINGS would have tried to borrow the money upon the Company's security. I do not
know

know that this plan was in his mind, but it seems to me to have been such as a reasonable man would have thought of. Neither do I think the BEGUM would have objected to the Company's security. To Mr. HASTINGS, considered either in his private or public capacity, it could have made but little difference whether he raised the money by loan or confiscation. The difference would not have been much to the Company's Interest, for the treasure confiscated was employed in paying the Nabob's debts, who then owed the Company a million and a half nearly. The only difference that I perceive is this, that the Nabob would have owed the Company 60 lacks more, and the Company would have owed the BEGUM the same sum. This is an idea of my own, having never heard it started by any one. It arises in my thoughts, from recollecting that there were at *Carwupore* three armies in the greatest distress for money; that a mutiny must have ensued if the troops had not been paid at the time they were, and that as SINDIA was so near with his army, *Oude* must have been lost. Neither would it have been extraordinary, if the *Mbarattas* had seized that

I

very

very treasure which is now the object of this discussion. In short, no human being can form an idea of what the consequences might have been.

It certainly must appear strange to a reflecting mind, when told that all the Gentlemen in India were deceived into a belief that the BEGUM and her Ministers were hostile to the English in the year 1781; that no Nujeebs were taken prisoners by Colonel POPHAM, or any of his Officers; that Captain WILLIAMS did not intercept a variety of treasonable letters from the BEGUM's Ministers during the insurrection; that Captain GORDON did not lose his Detachment through the treachery of their Fougedors; and that the MANAGERS, by reading over certain documents, discovered the mistake. But how much more strange must it appear to me, when I find that the making a peace with one Mharatta Chief out of a great many, and a little success upon the coast, had done away all the distresses of the several armies in the field. To me, who have been frequently employed to soothe and exhort the troops to patience and resignation---

resignation---to me, who felt the distress personally, and saw it in others, this discovery must appear indescribably strange indeed. The proof brought by the MANAGERS in support of the non-existence of State-Necessity, was the lamest and weakest I ever heard or read in any cause whatever. I was in Court when the MANAGERS announced to the LORDS, that they were going to prove that no State Necessity existed, and I must say, I was never more struck with the boldness of any assertion in my life. I could not help remarking to a friend who stood near, that if they succeeded in that attempt, they never need despair of any thing they undertook.

In reading over the proceedings, I turned my attention to one point, namely, to discover whether Mr. HASTINGS might in his conduct to CHEYT SING and the BEGUMS, be justly suspected of selfishness--- Whether he was actuated by a desire to serve himself or the Company. Had the former been his object, he might have amassed immense wealth; he might have
lost

lost the country, and have sheltered himself so securely under general orders, and want of instruction, that no accusation could have touched him.

The principal objection made by the MANAGERS, is to the means which he made use of to save his country ; but in my opinion, it is not enough for the accusers to prove that the means were bad, unless they could shew that the accused had the choice of better. The Revenues of *Bengal* were sufficient for every purpose of Government and Trade, in a time of peace, but not for a long and complicated war. Money was borrowed of individuals as long as there was any to lend. Bonds bore so great a discount, that it was in vain to attempt a loan. The Government of India could not draw Bills upon the Company without flying in the face of an Act of Parliament, beyond a certain amount. To this prohibited resource they were at length driven, and the Billholders were for a long time in a very uncertain state, with respect to acceptance and payment ; and some of the holders ob-
liged

liged to wait for their money much longer than they expected. Perhaps it might have looked more noble, if the necessity had been avowed, and the seizure made by our own troops, without the intervention of the Nabob. It would have deprived Mr. SHERIDAN of the most pathetic and affecting part of his Speech, that of making the Son the instrument of punishing his Mother. But there are many reasons why that could not be done. It would have proclaimed our weakness to all India, and have encouraged our enemies on all sides to attack us. The Nabob had a legal claim, either as Heir or Sovereign, to the treasure, which never could in *foro conscientie*, be abrogated and done away, without his own consent. His agreement to accept a part, when he had not the offer or power of obtaining the whole, might be valid in a Court of Law, but never could be so in conscience; for that would be to support and encourage lawless detention of another's property. There was no way of obtaining the treasure but through the Nabob, and that required management and address. The Nabob was at
times

times for, and at times against the measure ; but his objection lay not to the rectitude or morality of it, but knowing that the money, when received, would go to the liquidation of his debt to the Company, instead of coming into his own treasure, he became indifferent, and even reluctant.

Mr. HASTINGS, in his defence, says, that when he had hurt his own reputation, as he conceived would be the case, by permitting the Nabob to resume the jaghires of his Mother and Grandmother, and to confiscate their treasures, he was determined not to make that sacrifice for nothing, and therefore directed Mr. MIDDLETON to carry it into execution. He was apprehensive also, that the Nabob would intimidate his parents with menaces, and privately obtain sums of money from them, as the purchase of forbearance. This might have been one of his reasons, but I think not the principal one : he would not have shewn all that anxiety, that uneasiness at unnecessary delay, if that had been his sole inducement. It was my opinion at the time, as it was of every Gentleman

tleman whom I conversed with in India on the subject, that it was the extremity of distress which urged him on the measure. It is the only point of view in which Mr. HASTINGS'S conduct appears unobjectionably reconcileable to reason and prudence. Supposing the relief of the then exigencies of State to be his object, every letter that he wrote, every instruction that he gave ; in short, every thing which came out in evidence, all tend to one and the same point : all the means seem adapted to the end.

At the same time that I do, for my own part, believe these to have been very strong motives for his conduct, I am under no doubt of his establishing disaffection and disloyalty against the BEGUMS, and that their offences were such as to deserve the treatment they received. It is not clear to me, that he will bring the charges home to either of these ladies, so as to convict them of doing any personal act against the English Government, or the Nabob's ; but that deficiency is owing to their sex. Their Ministers, and Fougedores, and their subjects,

were

were notoriously hostile. Principals are always made responsible for their agents.

In a former part of this Letter, I said that the Eunuchs were mostly, if not wholly in fault, and I gave my reasons for thinking so : I still consider them as the real offenders, and the only persons that really suffered by the loss of the lands and treasures.

Our late War with the Dutch originated from the subjects of that State supplying the Americans with Military Stores, &c. All Sovereigns take upon themselves, if able, to punish those who assist their enemies. This, I believe, is allowed by all who have written on the Law of Nations. Upon this ground Mr. HASTINGS in a great measure rests his Defence against this Charge, though I dare say he will acknowledge, that had the necessity for money been less pressing, he might have been less urgent, and less anxious for its execution.

Every person who coolly reflects upon what I have written, may discover the clue
which

which unravels Mr. HASTINGS's inmost thoughts upon this subject. He had failed at *Benares* of resources: he meant to press the Nabob for payment of the debt he owed the Company, but he had not settled in his mind the means whereby the Nabob was to raise the money. Whilst his mind remained in this deliberative state, the BEGUMS are accused (and to his mind, satisfactorily convicted) of aiding our enemies. Immediately, whether from the suggestion of the Nabob's Minister, of Sir ELIJAH IMPEY, or himself, he consents to the confiscation of that treasure which he always thought unjustly detained by the Mother from the Son. Afterwards, when the Nabob began to trifle with him, Mr. HASTINGS pressed him to the fulfilling of his engagement. If we suppose these to have been Mr. HASTINGS's ideas on the subject, all the apparent inconsistencies are reconciled; and he just did what all Ministers must do, namely, effect that by address which he could not by a direct command or order.

Great exception is taken by the MANAGERS to Mr. HASTINGS's suppression of correspondence, and keeping things a secret from his colleagues. The word *Suppression*, like that before mentioned of *Subornation*, is a word that catches the ear, and imposes on the understanding of those who are not well acquainted with the Company's orders to their Presidencies on this subject. There is no Act of Parliament, nor standing order of the Company, that requires or enjoins the Governor General to lay all his Correspondence of every kind before the Board ; nor is there any time limited for laying before them such parts as he is bound to lay before them. There is an order which says, that the Governor General shall *alone* correspond with the Chiefs and Princes of India, but that he shall lay before the Board all the Letters (or translates) which he receives, and answer them with the concurrence of the Board. Under this order Mr. HASTINGS might have corresponded with the Nabob's Minister, and have derived much useful information, without being obliged to make his Correspondence known to the Board.

But

But when, in consequence of a private consultation between Mr. HASTINGS and the Nabob's Minister, by letter, any measure was by them thought expedient, then it was undoubtedly proper that the Official Letter, proposing it as an act of Government, should be submitted to the Board in the manner pointed out in the order above quoted. This I conceive to be the spirit of the order ; but neither the word nor the spirit of the order apply to the present case, for Mr. HASTINGS, whilst out of the Company's Provinces, was himself the Supreme Council, that is, he had no occasion to consult any of his Colleagues with respect to the transactions in the Nabob's dominions. Neither had the Members at Calcutta any occasion to consult his judgment in regard to the Company's Provinces. It was a division of power between the Members of the Supreme Council, whether legal or not, I cannot say, neither shall I enquire. After all, if there is any thing wrong in the suppression of Letters, as the MANAGERS call it, the best apology Mr. HASTINGS can make is, to refer his Accusers to the arguments used by our Ministry, when they gave

Lord

Lord CORNWALLIS absolute powers as often as he thought necessary to use them. The divisions in our Cabinet Ministry would often overthrow all public business, were it not that they are obliged to act in concert, or resign. No such obligation existed in the Supreme Council. But I have shewn, that all the turnings and windings in Mr. HASTINGS's conduct, all the apparent contradictions, are owing to the opposition he so frequently met with in Council. It is the same in our parliament, and ever must be in all divided power. The interests of men vary, and thence arise difficulties and obstructions to public business.

If there were a Monarch in India, to new-model the Supreme Council every time the Members carried their disputes too far, or so as to impede public business, or endanger the safety of the State, there would be no harm in their litigations. On the contrary, their disputes would operate like the Opposition in Parliament; it would prevent abuse of authority. But as that is not the case, and as the balance of power was in Mr. HASTINGS's time always shifting from
side

side to side, innumerable evils resulted from it. The fault lay in the Constitution, which is now rectified. But were I to undertake the task, I have no doubt of being able to prove, that every evil complained of, that all the misconduct of the several Presidencies in India, arose from constitutional defects, and want of wisdom in those who planned and erected the system of government; and yet, when we consider the sudden, rapid, and unexpected growth of the English Empire in India, we cannot much wonder at observing so many defects in the Constitution. Experience only can discover the best mode of Government, and we have not yet had India long enough to find out the best policy.

One evil must naturally arise from this Impeachment, and the consequences may be severely felt in another War. No prudent Governor will hereafter trust to the rectitude of his own intentions: he will not go beyond the prescribed line of his duty; for to whatever extremities he may be reduced for money in peace or war, he must content himself

himself with the ordinary resources of the year. Should his government be threatened by an invading enemy, or by internal sedition, he must look into the Book of Orders, and if he cannot find an approved precedent or rule there, which will apply precisely to the case before him, he must wait till the invaders have taken post in the country, or till unrestrained sedition has diffused itself over every part of it. He would then find that he had nothing left but an obstructed Revenue, a weakened Credit, and a sinking reputation. With these he might save the country committed to his care, if he could. I see but one way of avoiding similar cases of difficulty, nor am I quite certain whether it would answer or not: it is that of permitting the Government of India to draw Bills on the Company in time of War, and real distress; for the payment of which the British Parliament should become security. I am of opinion, no man will ever lend on bond security again in India. The remembrance of the vast discount, and the terms of remittance, will deter every prudent man from thinking of it. Bills on England, secured

cured in the manner I propose, would get all the ready money from individuals, but whether enough could be obtained in that manner, I know not.

I have heard Mr. BURKE spoken of as a very humane man, as one possessed of all the virtues that can render a private character dear to society. For all those qualities I give him entire credit, but when I consider his political principles, I cannot help thinking them detrimental to the interests of his country. I do not allude to the present case, which I consider but as one branch from a great and wide-spreading tree. It were easy to trace all, or by much the greater part of his political conduct, up to the republican principles which he avows. Certain causes must produce certain effects; and I do consider it as a very unfortunate circumstance for this kingdom, that a man possessed of such natural and acquired endowments, should entertain the principles he is known to do. He has been in the minority much the greater part of his parliamentary life, where he seems to have opposed

posed upon the true principle of opposition, namely, that the Minister must be always in the wrong. I have heard that he wrote a book, to prove that a bad Administration must and should be opposed in every measure, with a view of overturning it. Supposing this principle to be just, who is to decide on the goodness or badness of Administration, and to determine what Administration should be supported or opposed? I never saw, though I have often wished to see this curious performance. I speak from report only. To these republican principles I impute in a great measure the loss of America, and all the changes which have happened of late years in the connection of Ireland and Great-Britain. The connection is undoubtedly weakened, or at least stands upon a different footing to what it was before the American War. To these same republican principles I impute the present Impeachment, but at the same time I do not condemn Mr. BURKE or any other Member of opposition, for entertaining them. I only lament it. If Mr. BURKE is convinced that his principles are right, he does well in
 acting

acting under them, but if he thought with me, that the doctrines which he maintains have already lost us one country, and broke a thread in the string which ties us to another, and that they must ultimately endanger, if not lose to us our possessions in the East, he would undoubtedly change his conduct. I by no means insinuate that Mr. BURKE intentionally would injure his country, for I see many reasons why he should not entertain such a wish, and none why he should; but I think him mistaken as to the mode of serving it.

An attentive Reader of what I have written, might ask, How comes it that the Nabob is so very much under the influence of the English government?

To explain this briefly, you must know that ASOPH UL DOWLA is by nature extremely weak, indolent, and inactive. Soon after the death of his Father, his troops mutinied, and it required the assistance of an English Brigade to subdue them. There is no doubt but this mutiny arose from the BE-

GUMS detaining the treasures left in the *Zenana*, and which have proved to be the foundation of this Impeachment, or at least of this Article. This Detention of the Treasures compelled the Nabob to accept of the hard conditions imposed upon him by the Supreme Council in 1775 ; and more, the relinquishment of *Benares*, and *Ghazepore* to the Company, and the increase of the monthly subsidy for the pay of the troops.

The next consequence was, that the Nabob applied for English Officers to command his own troops. They were granted him. In a short time, these troops were formed into a temporary Brigade, paid by the Nabob ; and soon after, the duty of the temporary Brigade was done by detachments from the Company's Brigades. The name Temporary was done away, and with it all their dependance upon the Nabob, their Master. In this gradual way, the Nabob lost his Army. It began in 1776, and was brought into its last stage in 1779. It has remained so ever since. But this is not the only way in which the Nabob was stripped
of

of his authority. But to explain the other, will be rather difficult, without giving some previous account of the mode of paying public debts in India. When a Nabob owes a sum of money, he frequently gives a *Tumcar*, or assignment of some part of his revenue for that year, just as if you should suppose our Treasury Board to give the KING of PRUSSIA an assignment of the Land-Tax of Wales to pay a subsidy, or the hire of his troops.

The collecting of the Revenue gives a vast influence to the *Tumcar* holder over that Country, particularly in India, where collections are usually made by an armed force, and not in a peaceable manner, and by equitable assessment, as is practised in England.---To pay the temporary Brigade, and another Brigade of the Company's stationed in the Nabob's dominions, together with all the Civil Establishment at *Lucknow*, and a subsidy annually remitted to Calcutta, required near half of the Nabob's Revenues. The Resident at *Lucknow* received the *Tumcars*, and the *Aumeels*, under his inspection, made
the

the collections: the consequence of which was, that the Resident's influence was almost irresistible. Being thus deprived of his Army, and part of his Country, it was not in the Nabob's power to dispute the pleasure of the English Government. If it be said, that the Supreme Council did wrong in thus tying up the hands of the Nabob, Mr. HASTINGS will say that General CLAVERING, Mr. MONSON, and Mr. FRANCIS, laid the foundation, and he built upon it. If the principle of this incroachment be attacked as immoral and unjust, the accusation will be against human nature. There neither is, nor ever was, and probably never will be, that State which would not take advantage of a weaker one if it could. *France, England, and Prussia* have done the same with *Holland*, as far as it lay in their power, ever since it was severed from *Spain*; and though neither of these powers have yet subjugated that Republic, the forbearance is not owing to clemency, but to the jealous eye of their neighbours, who watchfully endeavour to keep up the balance of power. *Poland* affords a recent example of the natural

tural propensity Sovereigns in general have to increase their own territories, and to diminish those of their neighbours. If the gaining of this ascendancy in the Councils of the Nabob be unjust and blameable, it may be said in favour of Mr. HASTINGS, that he pursued the steps of his predecessors in India, and the example of all the Statesmen in the world.

Except in the present instance, I believe there is not a case to be found in the history of the world, where a Governor was brought to trial for consulting the interest of his employers too much, and their allies too little.

The fault generally imputed to our Ministers is, that in their Continental Negotiations, the advantages are against them ; but in the conduct of the Company's Servants, the objection is quite the reverse, and that the advantages are too much for them. What shall we say then, or where shall we draw the line? Or how shall we determine upon what is right and wrong in political questions?

questions? One principle we have to go by, which I have never yet heard controverted, namely, that you should love and serve your Country; but the defect is, that the boundary of this love to our Country is not fixed: you may do too much, as well as too little.

Having now given the outlines of this Article of Impeachment (for I do not pretend to say that I have entered into every aggravating item and allegation, which would be tediously unnecessary), I shall just recapitulate the principal points, upon which the decision will ultimately rest.

The first question is, Whether the treasure left by SUJAH DOWLA was the property of the Widow or the Son?

To that I answer, that it could not be the Widow's---it might be the Son's, as a succeeding Sovereign, or it might be *his* proportionally, according to the Mahommedan law of distribution. But it is to be observed, that in the latter case, all the debts of the deceased

deceased must have been paid before any distribution took place. The arrears of the Army, and the debt to the Company, would have swallowed up a million and a half, which is much more than has yet been recovered from the BEGUM.

The second question is, Whether the Nabob's accepting a part, and giving a release for the remainder, guaranteed by the Company, can in *foro conscientie* confer a right on the Mother, which she had not before.

This is a matter of conscience, and different men will give different explanations.

The third question is, Whether the information Mr. HASTINGS received respecting the BEGUMS assisting CHEYR SING in his rebellion, is a ground of justification for withdrawing the guarantee, and urging the Nabob to take away the disputed treasures, and commute the jaghires for an annuity of equal value?

The

The fourth question is, Whether a State Necessity did exist in India at the time, or whether it were strong enough to have justified a violent usurpation of private property, even though the BEGUMS had done nothing amiss?

These are the principal points upon which this Article depends. It may be argued and decided upon any of these grounds, or upon all collectively ; but the MANAGERS have so loaded the proceedings with extraneous matter, that people who have not all the documents before them, or are unaccustomed to laborious investigations, are totally led away from the main point. I do not mean, that the LORDS are led away, for they are in possession of all the printed evidence, and I suppose the speeches also, but I mean the audience in the gallery, who hear and attend to those parts only, which rouse their passions. If Mr. HASTINGS did right in withdrawing the guarantee upon either of the grounds I have stated, it will be ill worth while to enquire into the means whereby he prevailed on the Nabob to execute, or the manner

manner in which the confiscation was executed.

Mr. SHERIDAN is a very judicious advocate for any side of the question he takes up: in his speech he touched but slightly on the question of Right, but seemed to rest his hope of success on an appeal to the passions. For this reason he played the same game as Mr. BURKE did in the opening of the Impeachment. He contrived to make the HOUSE OF COMMONS believe, and he endeavoured to make the LORDS think the same, that all the distresses which the Ladies of the lesser Palace suffered, were in consequence of seizing the BEGUM'S treasure. But they are circumstances totally unconnected, and perfectly independent of each other. The former did not derive their support from the latter, nor was it fit they should. A Wife is a very improper trustee for her Husband's Mistresses and Natural Children. The Ladies of the lesser Palace derived their maintenance from a jaghire or assignment, through LETACENT ALLY CAWN, and it was from his deception or failure, that they suffered inconvenience.

M

But

But it cannot be supposed that the time in question was the only time that he disappointed them. No doubt it happened often, though not known to the English. Neither would the Nabob suffer any English Gentlemen to say a word about these Women, for he was highly offended with Major GILPIN for mentioning them in his Letter to the Resident, And I can speak from my own knowledge, that according to the customs and etiquette of the Country, there was great reason for offence. Major GILPIN acted as every humane man would do ; but the Nabob did not relish that species of humanity ; neither would any Mussulman have liked it better. Mr. SHERIDAN in like manner has expatiated on the sufferings of the BEGUMS.

But after all, when we bring it down to common life, and compare it with things to which we are all accustomed, it amounts by comparison to this only :---A Lady of very high rank, next to Royalty, a Dutchess for example, at the death of her husband gets possession of all his ready money, bills, bonds,

bonds, &c. to a very large amount ; she refuses to divide with her Son, and keeps it all, upon the plea of right, a right founded on possession and nothing else. The Son does not chuse to go to extremities with his Mother, and borrows as much as he can, with a promise, not a design of repayment. At last he gives way to over-ruling persuasion, almost amounting to compulsion, accepts a further sum, with a remission of what he had already borrowed, and renounces his claim to the remainder. Afterwards the party that in a manner compelled the compromise, withdraws his influence, and the Son, considering his claim no longer barred, takes from the Mother what he ought to have had years before. Where is the injustice in this? Not where the MANAGERS place it. It lies in Mr. BRISTOW, who made such bad terms for the Nabob, and if he did not make better for himself, it would reflect on his judgment ; and in the BEGUM, who would not divide her Husband's property with his Son. In those two lay injustice, and in the Nabob lay extreme folly, unless he went upon a supposition that he could
still

still make it his own by loan, or seizure, when he liked.

This is the true state of the fact, when stripped of its colours. But to make it strike forcibly on the minds of the people of England, the BEGUMS are called *Princesses*, which they really are not. I said in the beginning of this letter, that *Begum* signifies *Queen*; in that I followed the authority of MENINSKI; but I have either heard from the natives of India, or seen in some of their Dictionaries, that *Begum* is the feminine of *Beg*. *Beg* is a common Mogul title, synonymous to Lord. But be this as it will, there is nothing Royal either in the Nabob, or his Parents. Cases full as hard as this happen very often in our Courts at Westminster. If my mother detained my property by force, the Judges would decide as between *A*. and *B*. And if I made out my claim to their satisfaction, they would send their Officers to break open my mother's locks, and put me in possession of what she might be unjust enough to withhold: and though I might have given my mother a deed of re-

nun-

nunciation for the whole, upon receiving only a part, yet equity would annul that deed, if I could prove that it was obtained from me by any undue influence or improper means. It is true, a long examination took place, to shew the Court that great cruelties were made use of in getting possession of the treasure. The Eunuchs were imprisoned and put in irons, it is true, but the irons were more afflictive to the mind than to the body; for in regard to what they really suffered in their persons, there are at this hour many debtors in the King's Bench, and other gaols, who suffer infinitely more than they did, and have much more cause for complaint. Besides, they might have been released at any time, by paying the stipulated sum. It is well known that it was in their power to have done it at any time; and there are insinuations in some of their correspondence with the BEGUM, whilst in confinement, that would lead one to think they could have discovered much more than they did. But I do not see how Mr. HASTINGS can be answerable for the means made use of to recover the money: it was all done by the
the

the direction of the Nabob, who knew the proper method much better than any Englishman could do.

Mr. HASTINGS must be considered in the same light as a Judge is here. The Judge must take care that judgment is not illegally granted against my property ; but in the execution of the judgment, the Judge is not concerned, nor will he enquire into it, unless I complain by some kind of suit against the Sheriff or his Officers. Every thing the BEGUMS or the Eunuchs suffered, was owing to their resistance. But it would be the same in this country ; for if the execution of a judgment be resisted, the Sheriff will assemble a body of men and wage war with the Defendant. Such was the case with the BEGUM, *mutatis mutandis*, that is, when we make the necessary allowances for the difference in the laws and customs of the two countries, and consider also the rank of the parties. The method adopted was the only one. No Judge could decide between the Nabob and his Mother : the former was unavoidably, what no man should be, the ar-
bi-

biter of his own cause: he was the executing Officer of his own sentence. The truth is, he was above the Law of the Land, but we may still examine his conduct by the Laws of Indostan, and the Law of Reason. The question then is, Did the Nabob do more, or was he advised to do more than a *Cazy*, that is, an Indostan Judge, or an English Judge, would have awarded in 'a like case, between individuals whose rank had subjected them to legal determination?

This last question can be answered by those only who have made the Mahommedan Law their study. But though I have looked into the books upon this head, I have not materials enough to form a decided judgment upon the right, with respect to Mahommedan Laws and Customs, and must therefore leave it to better informed men. I mean, I am not certain whether the treasure left by SUJAH DOWLA was state property or private property, but I am certain Mr. SHERIDAN's *Zenana Larc* has no existence but in his imagination. My doubts are confined to the two former suppositions, whe-

whether the Son ought to inherit the treasures in capacity of Sovereign, or to follow the Laws of the *Coran*, and take the same share as a private individual would have in a similar case. Were I the Advocate of Mr. HASTINGS, or inclined to throw a ridicule on the doctrine of his accusers, I might say, that they have erected not only a linguafactory of characters, but a linguafactory of laws also.

The more I reflect on the nature and incertitude of State Criminality (and I have been led to consider it a great deal, during the writing of these Letters), the more I admire our own Constitution, and congratulate our Ministry upon their having the Legislature at hand, to consult upon all occasions. If they have no rule or political custom to guide their conduct, they can call together both Houses of Parliament, and make a law for the emergency. But in India, the Supreme Council must act from their own discretion in all extraordinary cases, and trust to chance for approbation or condemnation. I say trust to chance,
be-

because, as the understandings, passions, and interests of men vary, so will their decisions upon one and the same action differ in the like proportion. The only method, in my opinion, whereby we may safely judge of the conduct of a Minister of State, or Governor of a Province, is that adopted by physicians, when they enquire into the practice of each other.---First, What was the disease? Were there more remedies than one? Did the practitioner take the safest and the best? Supposing there were but one remedy, were there more danger to be apprehended from the remedy than the disease.

This rule would bring Mr. HASTINGS's case to a narrow compass. Did a political disease exist? Had the State Physician a choice of remedies? Did he take the best or only one in his power? Was the remedy or disease most likely to prove fatal to the constitution of the patient?

No man can ever form a proper judgment on Mr. HASTINGS's conduct, who does

N

not

not first make himself master of the subject, and then ask himself this question---Could I in the same situation, all circumstances considered, have acted better? After all, if it can be made appear, that his motives were in any degree selfish, or originated from any of those base passions which disturb and disgrace the human mind, no man would be more ready to condemn him than myself, and I believe all mankind will join in the opinion.

Since these Letters, written originally for the reasons formerly stated to the public, were delivered to the Printer, I have read Mr. ERSKINE'S Speech in defence of *Stockdale*. I have heard that it was taken down very correctly, I shall therefore consider it as genuine. It certainly is replete with sound arguments, but I am not going to add to the many panegyrics already and deservedly paid to that master-piece of elocution---that Gentleman's fame, as an Advocate, requires no trumpet. But what I admire infinitely more than all he has said, or possibly ever will say as an orator, is the generous part
he

he has taken in the concerns of Mr. HASTINGS. He is not the advocate of the accused, but the advocate of the cause of justice, that is, what he conceives to be the cause of justice. In all other political questions, he is the decided and zealous partizan of opposition. He acts in concert with the accusers; yet in regard to the impeachment, he totally departs from them. He avows it publicly and privately.

I have heard the change of sentiment in Mr. PITT, upon the question of impeachment, offered as a proof of Guilt. I have heard it said, that nothing but conviction could have induced the Minister to take the part he did. God forbid that I should impute any other motives to Mr. PITT, than internal conviction; but I certainly could figure to myself other motives for Mr. PITT's conduct; that is, I think I could point out political reasons, which might have their weight in most understandings. But with respect to Mr. ERSKINE, I can see many political reasons which might induce that Gentleman to act against Mr. HASTINGS,

but

but none that could induce him to speak in his favour. I mean no political reasons ; and therefore when I hear of Mr. ERSKINE's speaking on the subject in the manner he did at Westminster Hall, I must conclude that he was actuated by the noblest principle of the human mind, namely, the consciousness of what is due to injured innocence. If I am right in my conclusion, his conduct on this occasion does infinitely more honour to his heart than all his eloquence, great as it is universally allowed to be, can possibly do to his head. I am totally unknown to Mr. ERSKINE, and he is equally unknown to me, except by his fame and reputation. After having said thus much in regard to the man, I must take notice of some parts of his speech, which, however pleasing they may be to Mr. HASTINGS and his friends, do not meet my ideas at all. The parts I allude to are pages 85, 6, 7. In one part of page 86, Mr. ERSKINE says, " It
 " may and must be true that Mr. HASTINGS
 " has offended against the rights and privi-
 " leges of Asiatic Government, if he was
 " the faithful Deputy of a Power, which
 " could

“ could not maintain itself for an hour
 “ without trampling upon both. He may
 “ and must have offended against the laws
 “ of God and Nature, if he was the faithful
 “ Viceroy of an Empire, wrested in blood
 “ from the people to whom God and Na-
 “ ture gave it.” I need not quote more,
 for the whole page, and part of the next,
 go on in the same stile.

Mr. ERSKINE would not have said this, had he read diligently and attentively the Histories of Indostan since the first Mahomedan invasion. The Government of the India Company has been lenient in the extreme, when compared with the best Mogul Emperor that ever sat on the throne. Nay more, I would undertake to prove, that no one act of Mr. HASTINGS's Government that I ever yet heard of, was worse, more tyrannical, or unjust, than is done by every Legislative Power (whether in the hands of one man or many), repeatedly, and almost unobservedly. This may be thought a very bold assertion, but it is a very true one. The expulsion of CHEYT SING, and the rebellion

bellion at *Benares*, arose from the same cause as the American War, namely, resisted Taxation. The taxing of CHEYT SING was as politically necessary as the taxation of America, and in my opinion much more so. Parliament was answerable only for the principle upon which they taxed America, the rebellion followed in consequence. Mr. HASTINGS is answerable for the principle upon which he taxed CHEYT SING; the rebellion was, like the other, an unexpected and unforeseen consequence. The taking the treasure from the BEGUM, must be considered by all those who think the Nabob was unjustly kept out of his patrimony, as an execution like those which Mr. ERSKINE sues out daily for his Clients at Westminster. But those who think that these Ladies ought not to possess jaghires, and entrust them to their Eunuchs, will think the resumption politically necessary, and similar to our Government's getting by commutation the Sovereignty of the Isle of Man. Those who think with Mr. HASTINGS, that they aided our enemies, will conclude that the confiscation

cation was just, and grounded on the Law of nations.

Whatever is done by a Parliament, we are apt to consider just and equitable, in general, not always ; but there being no appeal, the subjects must acquiesce, let them think what they may. But I wish any man to reflect, and to put to himself this question---If what is done by the Three Estates, were done by the Cabinet, should I not call it arbitrary and iniquitous ? What can be the reason of this difference ? It consists in this : we are in the habit of submitting to our divided Legislature, and we think nothing can be right that has not the sanction of King and Parliament ; but had we been bred up under a Legislature less comprehensive, we should have looked for no other sanction. But there are two ways in which acts of Government may be considered : First, whether they conform to rule and custom ; that is, whether the acts of Government are performed by those who have a prescriptive and constitutional right to perform them ? And, secondly, whether those Governors
acted

acted discreetly, and had public good for their motive? If either of these fail, the Act is wrong. In the former case, a regular fixed Legislature cannot fail, but it may in the latter. With respect to the Supreme Council, both may be doubted; that is, whether they can justify deviation from rules, or the acting legislatively or discretionally, upon the spur of the occasion, or not. And also, whether, supposing them possessed of that right, they did act discreetly and usefully or not? I say, that the Supreme Council at Calcutta, may be attacked on either of these grounds.---You may say, they had no right to use extraordinary means to meet extraordinary occasions. You may say, the means used were more oppressive and unjust than they need to have been. To apply this reasoning to the present case, I say, that if Mr. HASTINGS had a right, or is justified in using extraordinary means to raise supplies for the war in India, that the means were intentionally as innocent and good as any means that are used in this country, in the raising of the annual supplies in time of war. People in judging,
consider

consider the Agent more than the Act. They say, who is this Mr. HASTINGS, that taxes Princes, and acts thus from his own discretion? I should answer, were I present at the question---He was a Viceroy, ordered to preserve a large country to the Empire of Great Britain, whose Constituents forgot to point out to him some legal method to raise extraordinary supplies for extraordinary occasions. This Viceroy acted from his own judgment: he took what he thought the best method, but his Judges think he was wrong; but they never have yet told him what he ought to have done. By his Judges in this case, I mean the HOUSE OF COMMONS. It is a question I have a thousand times asked; I have put it to Lords, Commons, and private individuals, but I never got an answer to it yet, that I could understand---Q. If Mr. HASTINGS acted wrong, what ought he to have done?

Mr. ERSKINE was certainly wrong in his admissions, and that I could demonstrate to him, were I in habits of intimacy with
O him,

him, and were we to discuss the evidence on the *Benares* and the *Oude Charge*, coolly and deliberately together.

I have now done with this Charge, and shall proceed to that of the *Presents*.

THE END.

COPY
OF A
PROPOSED DISPATCH
TO THE
BENGAL GOVERNMENT.

C O P Y
OF A
PROPOSED DISPATCH

TO THE
BENGAL GOVERNMENT,

APPROVED BY
TWENTY-THREE OF THE TWENTY-FOUR DIRECTORS
OF THE

HON. EAST-INDIA COMPANY,

DATED APRIL 3, 1805,

BUT REJECTED BY THE BOARD OF CONTROUL,
OF WHICH

LORD VISCOUNT CASTLEREAGH

WAS THE PRESIDENT.

LONDON.

PRINTED BY R. WILKS, CHANCERY-LANE.

1806.

1A
C O P Y
OF A
PROPOSED DISPATCH
TO THE
BENGAL GOVERNMENT,

APPROVED BY TWENTY-THREE DIRECTORS,

Dated 3d of April 1805.

IN our political Dispatch of the 28th of Nov. 1804, after animadverting on the conduct of our Governor-General, Marquis Wellesley, in omitting to inform us of the orders he had issued for commencing hostilities against the Mahratta Chieftain, Jeswunt Row Holkar, an omission contrary to obvious propriety, as well as the positive injunctions of an act of parliament, and productive of serious inconveniencies at home, we intimated an intention of delivering, on a future occasion, our sentiments on other measures of his Lordship's administration, which had made a deep impression on

our minds. We now proceed to perform that intention. On several occasions we have found ourselves called upon to bestow our warmest commendation on the measures of Marquis Wellesley; and that we have embraced those occasions with pleasure may be evinced by the testimonies given him of our approbation, which have not been exceeded by those conferred on the most illustrious of his predecessors. It has been with the sincerest regret that we have seen other proceedings of his Lordship, which it was impossible for us to contemplate with satisfaction. Our free opinions upon those measures have been long withheld, partly from reluctance to convey censure, and partly in the hope that single acts, as they for a time appeared, of an exceptionable nature, would not occur again. We still retain all the consideration for the talents of Marquis Wellesley, to which they are justly entitled, and are still willing to bestow our praise upon every measure of his government which has been in our judgment calculated for the public good. But, after deliberately reviewing the course of his proceedings for some years past, there appears in it such a series of deviations from

the constitution established by law for the government of British India, and from the usages of our services, such frequent instances of disregard, in affairs both of greater and inferior moment, to all other authorities, and of continued assumptions of new authority by the Governor-General himself, that the character of our Indian Government has, in his hands, undergone an essential change. It has in fact been turned into *a simple despotism*; the powers of the Supreme Council have been completely absorbed; the subordinate governments have been reduced nearly to the condition of provinces of the Bengal Presidency; the authority of the Court of Directors has, in many instances, been disregarded; informations of the most important and necessary kind have been withheld from the country; very great irregularities and defects have taken place in recording important transactions; instead of that economy in public expenditures, which the spirit of the constitution of British India, as well as the constant tenor of our instructions, have enjoined, there has been, in many instances, a needless profusion, which has contributed to swell the Com-
debt, now increased to an enormous a

and with regard to foreign relations, although the law has not only prescribed principles of moderation, justice, and good faith, towards all the native Powers, but expressly forbidden schemes of conquest and aggrandizement, the spirit and intentions of that salutary regulation have been signally violated, and the Company plunged deeper than ever in wars, which, without entering here into their character and consequences, could not, without design of aggrandizement on the part of the Governor-General, have taken place. These wars, and all the political powers of government connected with them, have been directed by the personal authority of the Governor-General; and, in a word, his sole will and his sole power have instituted all the most important measures, internal and external, originating abroad during the latter years of his government. Deeming it one of the most indispensable parts of our duty to maintain in its spirit and entireness the constitution formed by the wisdom of the Legislature for the government of our Eastern possessions, is impossible for us, however painful the
of animadversion may be, to pass over
ice numerous and alarming infrac-

tions of that constitution, and of principles and usages consonant to it, which reason and experience have established in our service. This is a matter that respects not the personal conduct of Marquis Wellesley only, but the conduct of our governments and the welfare of our affairs in future times.

We shall therefore proceed to a statement of transactions, which in the detail will unfold and substantiate the positions here specifically advanced, not meaning to enumerate all the instances that might be adduced, and having specially in view the prevention of such evils and irregularities hereafter.

By the 24th section of the act of the 33d of his present Majesty, cap. 52, the whole civil and military government, and the management of the territorial acquisition, and revenues of the three Presidencies respectively, are vested in the respective Governors and three Counsellors; the Governors and Councils of Fort St. George and Bombay being, however, subject to the superintendence and controul of the Governor-General in Council of Bengal. The establishing of a separate correspondence between

Infractions of the law, and the constitutional authority and rights of the Council.

the respective Governors in India, and the authorizing of the Governors to record, or to withhold any part, or the whole of such correspondence, from the knowledge of their respective Councils, as they may think proper, is not warranted by law; and any orders and instructions issued by the Governor-General, without the concurrence of his Council, to the Governors of Fort St. George and Bombay, and acted upon by them, without the knowledge and concurrence of their respective Councils, must be considered as illegal, the civil and military government of the three Presidencies being thereby taken out of the hands of the respective Councils, in whom, by law, it is vested, and confined to the three Governors only: yet this has been the avowed practice in the government of Marquis Wellesley; and we have to remark in particular, that no part of the correspondence carried on between him and Lord Clive, in the years 1800 and 1801, relative to so important a subject as the future succession of the Carnatic, in the event of the expected death of the Nabob Omdut ul Omrah, has yet been recorded.

In our letter in the political department

to the Government of Fort St. George, of the 2d March 1803, we directed that the correspondence between our respective Indian Governors, unless under circumstances of a most peculiar nature (which can but seldom occur, and when they do, we ought to receive the earliest intimation thereof), should be carried on by the Governors in Council as formerly; but, to our very great surprise, we find, by advices from that Presidency, that upon those orders being communicated by the Madras Government to the Governor-General, he, without alleging any peculiar circumstances, or at all noticing the subject to us, directed, that the separate correspondence should be continued without variation; thereby confirming a practice not only illegal in itself, but involving also a breach of the positive and recent orders of the Court of Directors. We therefore direct that from henceforward this separate correspondence be discontinued.

The next circumstance to which we shall allude, as derogatory to the rights of the Council, is the appointment of the Hon. Henry Wellesley, on the 5th July 1801, by the sole authority of the Governor-General, then at Calcutta, with instructions from

himself to negotiate a treaty with the Nabob of Oude, which was concluded on the 10th Nov. and ratified by the Governor-General on the 14th, without any reference being made to his Council; neither does it appear, until the treaty was ratified, that the Council was acquainted with the progress of the negotiation, or even that any negotiation was pending.

The deputation of the Hon. Henry Wellesley, to negotiate a treaty with the Nabob of Oude, under instructions from the Governor-General solely, cannot be considered otherwise than as an assumption of authority on the part of the Governor-General not warranted by the act of parliament. The Council ought to have been apprized of the negotiation, and to have had its share in the deliberation, since, by the act of the 13th George III. cap. 18. sec. 8, the powers of government given to the Governor-General and other Governors in the different Presidencies, are to be exercised in their respective Councils, in which Councils, in case of a difference of opinion, the determination rests with the major part of those present. The subsequent appointment of Mr. Wellesley, by the Governor-General

only, to be Lieut. Governor of the provinces ceded to the Company under the treaty with the Nabob Vizier, was further highly objectionable, on account of that gentleman not being in the Company's service.

In the second paragraph of our dispatch in the political department, of the 28th Nov. 1804, on the subject of the extraordinary powers vested in Lieut. General Lake and in Major General Wellesley, by instructions of the 26th June and 27th July 1803, we have already observed, that "however we are led to entertain doubts, whether some of the powers therein granted are not of a nature and description which even the Governor-General *in Council* is unauthorized by the law to delegate, we can have none, that the powers of the Governor-General alone, more especially when exercising his functions in his own presidency, are wholly incompetent to such a delegation." We refrain from noticing several instances which have occurred, where, in matters of less moment than those above stated, the Governor-General has acted without the knowledge and consent of the Council.

But, it is impossible for us here to avoid remarking, that minutes from the Governor-General have been entered upon the consultations at which he was not present—that such minutes bear date some days prior to the consultations, and contain propositions upon which orders had been issued and carried into operation, previous to their being brought on the record. Such evident irregularities in the form of your proceedings must be in future avoided.

The Governor-General, by his own authority, independently of his Council, could not legally issue the orders to Licut. General Lake and Major-General Wellesley, dated at Barrackpore, the 16th April 1804, directing hostilities to be commenced against Jeswunt Row Holkar. Equally illegal and irregular were the communications made of those orders to the residents at the respective Durbars of Doulat Row Scindia, and the Soubahdar of the Deccan, through the medium of the Governor-General's private secretary. Those communications should have been made by the public Secretary to the Governor-General in Council, as directed by the act of parliament.

In noticing some of the striking instances, in which the Governor-General appears to have acted without the concurrence of his Council, we cannot refrain from expressing our surprise that no attempt appears to have been made, on the part of any of the other members of Council, to check the Governor-General in the exercise of an independent authority not warranted in law, by claiming to participate in virtue of their office, and as constituent members of the Government General, as by law established, in the deliberations upon subjects of such high importance, of their share of the responsibility attaching to which they could not divest themselves. It is only during the Governor General's absence from his own government of Bengal, that he is empowered to issue, if necessary, orders and directions to the other Governments or Presidencies, or to any of the officers or servants of the Company acting under the authority of the said Presidencies. But, when the Governor-General shall be at either of the Presidencies of Fort St. George and Bombay, even *that* power ceases, and the Government is to be carried on, with the co-operation of the Councils, at those

Presidencies respectively, in the same manner as at Fort William.

Upon this subject we continue in the opinion which we have already expressed in the 10th paragraph of our letter in the public department, of the 11th June 1800, to the Government of Madras, a copy of which was transmitted to you as usual, viz. "That wherever any member of Council shall see cause of objection to any proposition coming from the Chair, we hold it to be the duty of such member to record his opinion, with perfect freedom, though with moderation and respect. And it is hereby proper to remark, that although in extraordinary cases, when the Council differ in opinion from the Governor, we approve of his acting without their concurrence, agreeably to the powers with which he is so invested by the Legislature; yet, whenever a Governor shall so act, we expect that a free communication be held with the Council; otherwise (in many cases) it will be impossible for us to form a proper decision on the measures that may be adopted by the Governor, or to issue our order in consequence. At the same time we shall highly resent any opposition that shall appear to arise from fac-

tious or interested motives." We must also refer you to the sentiments contained in the concluding part of the 19th paragraph of our letter to Fort St. George in the public department, of the 17th December 1802: "That if a Member of Council is silent, or concurs in measures which in his conscience he thinks prejudicial to the interests of his employers, and abstains from opposing with moderation, and recording his dissent with temper, decorum, and respect to the Government of which he is a member, he certainly is guilty of a dereliction of his duty, and must inevitably incur the displeasure of the Court of Directors."

The investing of Col. Murray with the chief local military authority in Guzerat, independent of the Government of Bombay, if not absolutely illegal, is unquestionably contrary to usage and the constitution of the Company. The military ought ever to act in subordination to the civil power; and the authority of our respective civil governments over the military within the limits of those Governments, should ever be upheld. The Presidencies of Fort St. George and Bombay are subject to the controuling power of the Governor-General in Council:

but the supremacy of those Presidencies over the military serving within their boundaries, ought never to be questioned. We have already noticed in our letter in the political department of the 28th November 1804, the impropriety of leaving it to Major-General Wellesley to communicate, at such time as he might think proper, to the Bombay Government, the resolution for commencing hostilities against Jeswant Row Holkar, instead of making the communication of so important an event, to that Government, directly from the Governor General in Council, at the earliest period possible.

As connected with the subject of the want of consideration on the part of the Governor-General for the rights of the Council, we must here advert to the novel practice of addressing the public dispatches to the Court of Directors in the singular number, in the name of the Governor-General in Council. The orders of our Indian Governments are directed by the Legislature to be promulgated in the name of the Governor-General in Council; but it must be recollected, that the Government of the several Presidencies, and Council, whose

proceedings are to be reported to us, in regular dispatches, under their own signatures, necessarily implying that those dispatches should be addressed in the plural number, according to the former usage, the Governments of Fort St. George and Bombay have not deviated from that usage; and we direct that the same be observed by the Governor-General and Council of Bengal in their future dispatches to the Court of Directors.

Extending
the con-
trouling
powers of
the Supreme
Government
over the
other Presi-
dencies, to
all the de-
tails of those
Govern-
ments.

The superintending and controuling power given by the law to the Government of Bengal, over the other Presidencies, is described, as it is fit it should be, in comprehensive terms; but the intention and spirit of the law went to establish one directing authority, and by that means an unity of system, in the general conduct of the Governments of British India towards foreign States, and in the general management and application of their resources both for internal improvement and external security. Such appears to have been the understanding of the law, until the time of Marquis Wellesley, before which it was not the practice of the Su-

preme Government to interfere, unless upon reference from the subordinate Presidencies, in the minute, interior details of their affairs ; much less to abridge them of any of the authority, political or military, with which the law had invested them. Such also was the sense of the Court of Directors, expressed very early after a controul over the other Presidencies was vested by law in that of Bengal ; for, in their Dispatch of the 9th of December 1784, they enjoined that the Supreme Government, in the exercise of its controul, should avoid taking any steps which might tend to diminish the weight of the subordinate Presidencies, in the opinion of the country powers connected with them. And if the Court were thus careful to preserve the respect of those Presidencies with foreign States, in relation to whom the necessity of a controul was most obvious ; much more must they have intended, that among the servants and subjects of the subordinate Governments an equal respect should be maintained, which could be done only by leaving to them a general freedom in the details of internal administration.

It appears to have been the intention of

Marquis Wellesley to concentrate all the political powers of British India in the person of the Governor-General, and to consider the whole but as forming, with respect to him, one government, through every part and ramification of which his authority was practically and constantly to pervade. The general tenor of his correspondence with the subordinate governments for some years past, seems to proceed so much upon this principle, as to render a recourse to particular instances, for illustration, unnecessary. The extraordinary powers given, as already noticed, to the military officers Generals Lake and Wellesley, and Colonel Murray, by which the political and military authority of the subordinate governments of Bombay in particular, within the sphere of the operations of those officers, was completely superseded, afford examples in the most important affairs: the separate correspondence maintained by the Governor-General with the subordinate Governors, is another instance; and in points of a more minute kind the following may suffice.

The Accountant of Madras having remarked on the delay and inconvenience of communicating with Bengal on matters of

finance, the Governor-General in Council observed, that being determined to maintain unimpaired the exercise of the legal powers of the Supreme Government, in their utmost extent, over every branch of the administration of the subordinate Presidencies, he could not pass without a censure any attempt to frustrate *the just authority of the Governor-General in Council.*

This direct interference is also extended in another instance to Bombay, as appears by the following extract of a letter from the chief Secretary of Bengal to the Secretary at Bombay, dated 3d February 1803.

“ I am likewise directed to desire, that you will inform the Honourable the Governor in Council, that his Excellency has been pleased *to order*, that Captain Hayes be permitted to draw the pay and allowance of 1st Captain of the Bombay Marine Establishment, from the date of the surrender of Ternate to the British arms, until he shall be regularly promoted to that situation, as a further testimony of his Excellency’s approbation of Captain Hayes’s general services,” &c. &c.

Again in the year 1801, when Marquis Wellesley directed troops to be sent from

Bombay to the Red Sea, the Governor Mr. Duncan, and both the members of Council, recorded minutes stating it as their opinion that the settlement of Bombay would, by this drain of troops, be left in almost a defenceless state, if any attack should be made upon them by the French, and of which there then appeared to them some probability.

These opinions, so entered, Marquis Wellesley calls "*discussions inconsistent with the principles of subordination, and due gradation of authority.*" Thus the principle of extending the controuling powers of the Supreme Government over all the details of the other Presidencies, not only directly avowed, but even a decent freedom of opinion on their part censured as a resistance of it.

We are aware that it might be difficult and would be inexpedient to define, by any ~~ex~~ line, the limits beyond which the interference of the Supreme Government ought not, in any cases or circumstances, to go even in the internal affairs of the subordinate Presidencies; and we would be far from countenancing in them any thing like a spirit of disobedience or resistance: but

we think it clear that the law did not intend the Supreme Government should assume the direction in detail of the business of the other Governments, as it does the direction of any of the divisions of country under the Bengal Presidency ; we know that this is contrary to the intention of the Company and to past usage ; and we believe, and we likewise know, that the effects of such a system would be very prejudicial to the affairs of the Company ; because it must be impossible for one man, or for three or four, having under their immediate management vast concerns, to extend their care to the domestic details of other Governments, also of vast extent and complexity ; and because the continuance of such practice would deprive the Governors and Councils of the subordinate Presidencies of that independence and energy of mind, necessary generally for men placed in their high situation, and of the greatest importance in official conjectures, which may be expected to arise.

The foregoing recital exhibits, in cases of great moment, instances of conduct which fall directly under this head ; many others occur, which are of various degrees of im-

portance, but all serve to establish this truth, that the Governor-General has assumed to himself a discretion to dispense with obedience to the orders of the Court, where no necessity could be pleaded for the exercise of such an unwarranted liberty.

Among those instances are the following :

1st. In continuing Sir George Leith, who was not a servant of the Company, in the office of Lieut. Governor of Prince of Wales's Island, after the Court had twice directed his removal. The resistance to our orders, in this respect, was upon the plea, that a full and complete report of the state of affairs upon that island was in preparation by Sir George Leith, and that therefore his removal would be of public detriment ; but it was not until after we had a third time issued orders for his removal, that another person was appointed. The expected report from Sir George Leith does not appear to have been made.

2d. In granting 30,000 * rupees to Major-General St. John, and 6,000 rupees to Captain Pilkington, neither of them servants of the Company, as a compensation for loss of baggage, a most wanton misapplication of

* 30,000 rupees, or about 3,900 L.

the Company's money, and in a mode forbidden by a standing order, it is to be remarked, that the grant to Captain Pilkington was made subsequent to the receipt of our orders, directing the sum granted to Major-General St. John to be refunded.

3d. In appointing Mr. Ewer to be sole Commissioner for investigating the affairs of Fort St. Malbro', instead of a commission consisting of three persons, as ordered by the Court of Directors,

4th. In the grant of a pension to Mr. Scawen of S^a R^s 12,000 *per annum*, instead of appointing him to an office, with a salary not exceeding that sum, as directed by us, and without assigning any reason at the time of such deviation from orders.

5th. In the increase of salary to the Advocate General, from C. R^s 30,000 * *per annum*, at which it had been fixed by the Court of Directors, to S^a R^s 3,000 per month.

6th. In the appointment of Mr. Smettel to the post of Advocate General, without declaring it to be subject to the confirmation of the Court, agreeably to a standing order, that this office should not be perma-

* This was to Sir William Burroughs, to whom he also recommended a further remuneration !!!

nently fixed, without the sanction of the Courts of Directors.

7th. In granting a pension to Mr. Tiretta, without any condition of the Court of Approval.

8th. In continuing Captain Hook in the office of secretary to the Governor-General in Council, in the military department, notwithstanding our positive directions for his removal. The circumstance of the non-removal of Captain Hook is greatly aggravated by the consideration, that after the receipt of our orders for his removal, and that a civil servant should succeed to the office, Captain Hill has been appointed deputy secretary. We direct, that both these appointments be immediately rescinded, and that gentlemen in the civil service be nominated to succeed Captain's Hook and Hill in their respective offices of secretary and deputy secretary to the Governor-General in Council in the military department.

9th. In increasing the salary to the Governor-General's military secretary, from rupees 300 to rupees 1500 per month*, without a previous reference to the Court of Directors, agreeably to their orders of 10th June

* From 450 l. yearly to 2,200 l.

1801, which were known in Bengal at the time such increase was made.

10th. In continuing the allowances to Colonels Harcourt and Monson, who were charged with the Governor-General's dispatches to Europe and pleading the case of Captain Madan, who in 1793 was sent to Europe with dispatches from Lord Cornwallis, as a precedent, notwithstanding the orders of the Court, *that* the case of Captain Madan should not be considered as a precedent. We must here remark, that the practice of sending packets in the charge of officers has become unnecessarily frequent, at a considerable expence to the Company.

11th. In postponing the dissolution of the college established at Fort William, which dissolution the Court ordered to be immediate, to the distant period of eighteen months, and with the express design of obtaining a reversal of the order for the dissolution.

Without entering here into the merits and demerits of the plan of that institution, we must observe, that in all projected measures of importance, where urgent necessity did not require immediate decision, it has been the practice of the service to refer the

proposal of such measures home, for consideration. In this case there was not the shadow of necessity for hurrying to an instant decision ; and there was, on the other hand, a great many reasons for referring to the consideration of the Court of Directors, a project which involved the question of the education of the young men who were, by their patronage, to be appointed to that service, of which the Executive Body of the Company are the national guardians. We must confess, that the precipitate establishment of the College had too much the appearance of an intention to supersede the previous deliberation of the Court ; an obvious consequence of which would be to render the abolition or modification of an institution once formed, more difficult to us ; and we must here declare our determination to resist to the utmost every attempt, by such indirect means, to deprive us of that negative in the institution of measures not called for by immediate necessity, which the law for most salutary purposes has left in our hands.

On this article too it is impossible to avoid remarking, that, contrary to all usage, no regular statement has to this day been sent

us of the annual expenditure of the College ; and we are left for information, to the financial estimates and accounts of the year. Indeed we learn that both the establishment and expenditure have been excessively great : but this mode of making large disbursements from the funds of the Company, without submitting to us, in the first place, if they are matter of establishment, the grounds and reasons on which they are accorded, and, in all cases, the regular details of such disbursements, is what we can by no means tolerate.

12th. In ordering the permanent settlement of the revenues of the Fort St. George Presidency, without any condition of rendering that permanency subject to the confirmation of the Court of Directors, or waiting for their determination upon that great measure. The grant of vast estates in perpetuity is our highest act of sovereignty, and ought to emanate from the sovereign power ; and in so momentous a concern as that of fixing the land rents and tenures of a country *for ever*, where too such a principle was altogether new, and the real value of the lands, in many cases, very imperfectly known ; the utmost caution and circumspection were

required; which considerations, with the example of the Bengal Government, under Marquis Cornwallis, in a similar case, ought to have produced an imitation of that example in a previous reference to this country, against which no necessity or expediency could justly be pleaded.

13th. In transmitting the management of the provinces of Malabar and Canara from Bombay to Madras, without waiting the sanction of the Court,

14th. In reviving the settlement at Balambangan, without the previous sanction of the Court, who have not even been advised of the measure, except in a communication from the Government of Madras,

15th. In continuing to make advances on account of buildings, &c. beyond the bounds prescribed in the Court's letter, in the military department, of the 28th August 1801, which limited the disbursements for buildings, and for the purchase of lands for that purpose in the public and judicial departments, to the sum of one lack of rupees *per annum*. Notwithstanding the positive and distinct time prescribed by that letter, which was received in Bengal in February 1802, it appears that the ad-

vances made in 1802-3, on account of the new Government House alone, amounted to S^r R^s 202,887, and for the purchase of houses and grounds on the same account, to rupees 125,000, making together the sum of rupees 327,887. We must here remark, that although the before-mentioned orders, limiting the expence in the judicial department, were communicated from the military department to that department, they have not been replied to, or even the receipt thereof acknowledged, although orders of the same date, and by the same conveyance, and in the same department, were regularly replied to, under date the 17th April 1802.

We have much reason, further, to complain of the defective state of the information respecting the new Government House; a work of unexampled extent and magnificence, and which was undertaken without any previous or regular communication to us, of such a design, of its necessity, or the scale of its expence. Although this work was begun in June 1798, and appears to have been carried on at an enormous cost, the first intimation which we received relative thereto, was in a letter

from the Governor-General to our Chairman, dated the 2d April 1801, transmitting several statements, &c, of reductions in the civil and military departments; among which was a statement tending to *prove* that it was cheaper to erect new buildings (including an estimate for building a new Government House), than to repair the old buildings, or continue to rent as heretofore. The expence of building a new Government House was estimated at 579,833 Rs rupees, whereas it appears that the advances for the building *alone* exceed that calculation by nearly three lacks of Rs, and, including the purchase of ground, by above seven and a half lacks of rupees, making an expenditure of rupees 1,338,879 or £.167,359, upon a building begun in 1798, without our knowledge and previous consent, and without any information being communicated to us, respecting the progress of the building, and the expence attending it, until the work was completed, when the plan and elevation were transmitted and referred to us in a letter from the Governor-General in Council, dated 27th February 1804. Our being kept so long uninformed with respect to the expen-

diture of so large a sum as upwards of thirteen lacks of rupees or £. 167,000, forms a striking contrast to the information contained in your dispatches from time to time, respecting trifling expenditures, particularly in the 64th paragraph of your military letter, of the 28th Feb. 1803, by which we are acquainted that you had authorized the sum of ninety-seven R^s, thirteen Annas, to be disbursed in the repair of the *military buildings* at Captain Gunge.

On several points upon which we have had occasion to animadvert, in our dispatches to your Government, it has been observed in reply, "That the Governor-General would address the Court separately on the subject;" but scarcely in any single instance has this promise, on the part of the Governor-General, been fulfilled, which at least implies a deficiency in that respect which is due from the Governor-General to the Court of Directors, and must in effect be considered as an evasion of the duty required from him.

We have been led to the foregoing painful recital of some of the principal instances in which the orders of the Court of Directors have either been evaded or

disobeyed, for the purpose of impressing upon the minds of our Governor-General and our Council, the necessity of a due submission to our orders in future, as well for the sake of the example which such a conduct, on the part of the Supreme Government in India, is likely to produce in the minds of the subordinate Governments, and in the minds of our servants in general, who might thereby be taught to imbibe sentiments of insubordination dangerous to the existence of the Company's authority in India, as for the sake of conveying to you our determined resolution to resent any future instance of similar disobedience to the plain and positive orders of the Court of Directors, on the part of any of our servants, in an exemplary manner. We think it necessary, at the same time, to remind our servants in general, particularly such, as are high in station, that, by the 65th clause of the act of the 33d of his present Majesty, it is enacted, "That the wilful disobeying, or the wilfully omitting, forbearing, or neglecting, to execute the orders or instructions of the Court of Directors of the said Company, by any Governor-General,

Governor, President, Counsellor, or Commander in Chief, or by any other of the officers or servants of the said United Company in the East Indies, (unless in case of necessity, the burthen, of the proof of which necessity shall lie on the party so disobeying, or omitting or forbearing to execute, such orders and instructions as aforesaid), and every wilful breach of the trust and duty of an office or employment, by any such Governor-General, Governor, President, Counsellor, or Commander in Chief, or by any of the officers or servants of the said United Company in the East Indies, shall be deemed and taken to be a misdemeanour at law, and shall or may be proceeded against and punished as such by virtue of this act."

Before we quit this unpleasant subject; we wish to impress upon the minds of our superior servants in India, that when they venture to deviate from orders which they may receive from home, without being able to assign the most substantial reasons for so doing, it is not merely the authority of the Court of Directors that is contemned, but it is setting at naught the authority of the Board of Commissioners

for the affairs of India, appointed by his Majesty, in virtue of an act of the Legislature, since no orders can be issued by the Court of Directors to their Indian Governments, that have not previously received the approbation of that Board.—

A wanton disobedience of orders so sanctioned, if permitted with impunity, might lead to consequences in our Indian Empire, the magnitude of which we cannot contemplate without experiencing a considerable degree of emotion.

We must here express our concern, that the Governor-General should have been induced, in his letter to Lord Clive, of the 23th November 1801, to give so unqualified an approbation of the sentiments of insubordination, contained in Lord Clive's letter to our Chairman, of the 15th October 1801, and to express his entire concurrence in the general spirit and substance of that letter. To nominate to any particular office under our several Presidencies, and to remove from office without assigning any special reason for so doing, is a right inherent in the Court of Directors, and which we shall continue to exercise whenever we may see occasion. Instead

of declaring, as the Governor-General has done, that, in the instances alluded to, this power has been exercised in a manner highly dangerous, in its general operation, to the existence of the local government of Madras, it was the duty of the Governor-General to set an example of submission to the measures adopted by the Court of Directors, and to have stated the objections which occurred to his mind, in a respectful representation to the Court. The existence of the local government of Madras, after affording such an example, was likely to be much more endangered by the Governor-General not having followed this obvious line of his duty, than by the Court of Directors having exercised a right, which they indisputably possessed, of appointing and removing from office, whenever they might think such interference, on their parts, to be necessary; a right, however, which though they may occasionally deem it necessary to assert, they have long made it a rule not to exercise but upon extraordinary occasions. To the support Lord Clive received in this proceeding from the Governor-General, may be in a great degree ascribed his

subsequent conduct towards the Court of Directors, whom, whilst yet under the oath of fidelity he had taken to the Company, he insulted by a letter which not only struck at their authority, but at the whole political existence of that body under whom he was then acting as Governor of Madras; a situation from which that conduct would immediately have produced his dismissal, if he had not in the mean time resigned. As Lord Clive appears, *in all things*, to have observed the most entire deference towards, and confidence in, Marquis Wellesley, it is difficult to conceive that he could have withheld from the Noble Marquis the communication of this last act of his towards the Court; and yet more difficult to conceive that, possessed of it, the Governor General could have chosen to bestow on Lord Clive those unqualified eulogiums which closed his public correspondence with him.

Irregular
innovations
in the prac-
tice of pub-
lic business.

At the head of several days consultations we observe that the following minute is entered:

“ His Excellency the Most Noble the Governor-General signifies, that it is not his intention to attend the meeting of

Council, and desires that the proceedings which may be held at the meeting be communicated to him for his approbation."

Between the month of January and the month of August 1801, this minute occurs nine times. From the 21st August 1801 to the 21st April 1802, the Governor-General was absent in the Upper Provinces. But between the 21st April and the 23d December 1802 this minute occurs twenty-eight times; and between January and the 18th August 1803 it occurs twenty-four times. Except in case of illness we know not upon what justifiable ground the Governor-General could absent himself from Council, or upon what authority he required the proceedings being sent to him for his approbation.

We have already remarked in a preceding paragraph, that at some of the consultations at which the Governor-General was not present, minutes from him are entered, containing propositions, on which *orders had been issued* and acted upon some days previous to their being recorded.

As a further instance of great irregularity, we observe that the letter from the Governor-General in Council to the Secret

Committee of the 1st January 1803, details some particulars of the negotiations with the Nabob Vizier, which took place subsequent to the conclusion of the treaty with his Highness, of the 10th November 1801, on points arising out of that treaty, whilst the negotiations which led to the conclusion of the treaty were not communicated to the Secret Committee till the 14th February 1803. It is remarkable, that the letter of the 14th February 1803 was received by the Swallow on the 9th July 1803, whilst that of the 1st January 1803 was not received till the 24th April 1804. We desire that it may be explained to us why the letter of the 1st January was not transmitted by the Swallow, as well as that of the 14th February.

We direct that in future you keep us regularly advised of all the material transactions of your Government, as they may arise, and that the progress of every business of importance, particularly such as may be of a political nature, be regularly entered upon your proceedings, and not as has been too much the case in recent matters, withheld from the consultations for months after they ought to have been

recorded, and even for a considerable time after their final accomplishment.

Indeed it seems to have been the general practice of Marquis Wellesley, to commence his political negociations, without communicating his intentions to the Council, and not to record his correspondence on the consultations until such negociations were terminated or suspended.

His correspondence with the Resident at Lucknow, which begun in 1798, and led to the Vizier's proposal to abdicate the Musnud in November 1799, was not recorded until June 1800, after the Vizier had refused to abdicate on the terms proposed by the Governor-General, and there appeared no longer any hopes of bringing him to accede to those terms.

In January 1801 the negotiation with the Nabob Vizier was renewed. Although the treaty which was the consequence of that negociation was concluded the 10th November 1801, yet the Governor-General did not record his correspondence relative thereto in regular series until the 24th of June 1802.

The Governor-General returned from the Upper Provinces on the 22d April 1802 ;

but with the exception of a very few letters, he did not record his correspondence with the Resident at Scindia's Durbar, which passed, during his absence, until the 16th of August 1802.

His correspondence with the Resident at Poona, from July 1801 to June 1802, was not recorded until the 23d June 1802, the day on which the instructions to Colonel Close were dated, directing him to recommence the negociations for a subsidiary treaty with the Peshwa.

The correspondence from the commencement of the negociation to the conclusion of the treaty of Bassein, was not recorded until the 21st February 1803.

His correspondence with Generals Lake and Wellesley, commencing in June 1803, was not recorded till March 1804.

We must further remark, that the first negociation for a treaty with the Peshwa, founded on the partition treaty of Seringapatam, was broken off in September 1799. A detailed statement of this negociation was contained in a letter to the Court of Directors, dated the 18th January 1800.

By a letter in April 1800 the Resident at Poona was authorized to negotiate a treaty

with the Peshwa, the object of which was to compel Scindia to remove from the Deccan.

By a letter from the resident, dated in July 1800, it appeared that the Peshwa, fearing for the safety of his person, invested persons with full powers to treat for him with the resident : the resident was therefore, by a letter in August 1800, authorized to treat to a certain extent.

These three last letters were not brought forward on the consultations till the 27th November 1800, which consultations were received here the 31st July 1801.

In May 1800 the Governor-General determined, that the negotiation with the Peshwa should be conducted through the medium of the resident at Hyderabad, of which the Secret Committee were informed by the Governor in his letter of the 9th June 1800.

The letter from the Governor-General in Council to the Secret Committee, dated the 31st August 1800, also mentions the subject of the negotiation ; which letter was received the 2d March 1802.

Of the progress of the negotiation neither the Court nor the Secret Committee

were directly advised. The Governor-General, it is true, hints at a negotiation depending at Poonah, in his letter to the Court, dated the 1st January 1802, paragraph 6, and the letter from Colonel Palmer, dated 26th Sept. 1800, informing the Governor-General of the failure of the negotiation, is entered on consultations the 16th April 1801, which consultations were received the 11th August 1802, but to which no reference is made in the dispatches.

The Governor-General's instructions to Colonel Close, directing a renewal of the negotiation, are dated the 23d June 1802, and were received with the Governor-General's letter of the 24th December 1802, advising of the conclusion of the treaty of Bassein, received here the 9th of May 1803.

Hence it appears that no notice has been taken of the restoration of Poonah, either by the Governor-General, or by the Governor-General in Council, to the Court of Directors or the Secret Committee, from the 31st August 1800 until the 24th December 1802, when the Governor-General advised the conclusion of the arrangement with the Peshwa.

The correspondence with Colonel Close,

pending the negotiation, was not received until the 13th December 1804.

Under such circumstances of silence with respect to political negotiations, and of withholding from the records all information which otherwise they might have afforded upon points of great political importance, the Government at home is not only totally precluded from issuing any orders relative thereto, but it is also thereby deprived of the exercise of its authority over the government in India, in points so highly essential to the general interests of the Empire, as Peace or War with the Indian Powers. Further, it does not appear (as has been already observed) that the correspondence between Marquis Wellesley and Lord Clive, which passed in 1800 and 1801, relative to the future succession to the Carnatic in the event of the expected death of the Nabob Omdut ul Omrah, has yet been recorded by the Governor-General on the Bengal consultations.

By the orders of the Court of Directors, the correspondence with the country powers is to be carried on by the Governor-General singly ; but all letters written by him, except in cases of emergency, are

first to be approved in Council, and all letters received by him are to be laid before the Council at their next meeting.

The non-observance of this regulation on the part of the Governor-General will too fully appear from the following list of letters to and from the native Princes of India, during the year 1803, with the dates of the transmission and receipt affixed :

Date of Letters written or received.	Entered on Consultations.
Writ. Sep. 13, 1802, To Dowlut Row Scindia,	Feb. 22, 1803.
Rec. Nov. 29, - - From ditto,	ditto.
Writ. Sep. 15, - - To Persevant Row Holkar	ditto.
Rec. Dec. 8, - - From ditto,	ditto.
- - - - 13, - - Dowlut Row Scindia	ditto.
- - Feb. 11, 1803, Persevant Row Holkar,	ditto.
Writ. May 13, - - To Rajah Jaggogee Boonslah,	ditto.
Rec. - - 15, - - From ditto,	Feb. 23, ditto.
- - - - 24, - - Dowlut Row Scindia,	July 21, ditto.
Writ. June 3, - - To ditto,	ditto.
- - May 22, - - Rajah Baggagee Boonslah	ditto.
- - - - 24, - - Ditto,	ditto.
- - June 9, - - Peshusha	ditto.
Rec. July 31, - - From Dowlut Row Scindia,	Aug. 11, do.
- - Ditto, - - Rajah Baggagee Boonslah,	ditto.
- - Aug. 23, - - Sicunder Jap	Aug. 25, do.
- - Feb. 6, 1801, Rajah of Travencore,	Nov. 2, do.
- - May 4, - - Ditto,	ditto.
Writ. - - 26, - - To ditto,	ditto.
Rec. Feb. 6, - - From the Divan of ditto,	ditto.
Writ. May 16, 1802, To ditto	ditto.
Rec. Dec. 11, - - From ditto,	ditto.
- - Jan. 11, 1803, Ditto,	ditto.
- - - - 13, 1804, Nizam,	April 2, 1804.

The following further instances of irregularity appear upon the proceedings; and those instances serve likewise to shew that points in reference from the other Presidencies, on important subjects, have been entirely neglected.

A letter from the Governors of Ceylon, dated the 20th October 1800, submitting a proclamation proposed to be issued for the regulation of domestic slavery on that island, is not recorded till the 4th May 1803, and then without any remark.

A letter from the Governor in Council of Bombay, dated the 1st August 1800, transmitting Mr. Duncan's report of his proceedings at Surat, with a copy of the treaty concluded with the Nabob of that city; also submitting several codes of regulations for the sanction of the Supreme Government is not recorded till the 31st March 1803.

A letter from the Governor in Council of Bombay, dated the 22d February 1800, submitting whether, under the circumstances therein stated, the pensions enjoyed by two Chieftains in the Malabar Province should be continued, is not recorded till the 4th May 1803, and then without any remark.

A letter from the Governor in Council of

Bombay, dated the 7th March 1800, where-in certain circumstances are related involving a question of policy in regard to the Company's engagements with the Rajah of Cochin, was withheld from the records till the 4th May 1803, when it was entered without any remark.

A letter from the Governor in Council of Bombay, dated the 20th December 1800, upon the subjects of some complaints against Colonel Lloyd of the King's service, was not recorded till the 4th of May 1803.

Not less than eight letters from Bombay dated in 1801, and four dated in 1802, appear to have been withheld from the records till the 4th May 1803.

A claim of the Rajah of Tanjore on the Danes, for arrears of tribute during the period Tranquebar was in the possession of the British Government, was referred by the Governor in Council of Fort St. George, in March 1803, to the decision of your Government; and no answer thereto having been received in the month of September following, the subject was again submitted, in consequence of the Rajah's importunity, for a determination thereon; but neither of the letters in question are recorded upon any of your proceedings hitherto received.

During the administrations of Marquis Cornwallis and Lord Teignmouth, a regular correspondence was kept up with the Court of Directors in the political department, on subjects not requiring secrecy. Since the accession of Marquis Wellesley, his Lordship has not only confined his correspondence on political subjects, almost exclusively, to the Secret Committee, but has even corresponded with that Committee on the subject of finance and investment.

On the 31st October last the Secret Committee received your letter of the 23d of March 1804, inclosing a copy of a treaty of defensive alliance and subsidy concluded with Dowlut Row Scindia, and also inclosing the Calcutta Gazette Extraordinary of the same date, promulgating the conclusion and ratification of the treaty. The impropriety of your communicating to the Secret Committee intelligence, which had been previously published in the Calcutta Gazette, is too obvious to require animadversion; and, as the Secret Committee had previously received dispatches from your Government, containing communications which ought to have been made to the Court of Directors, either in the public military, revenues, or commercial departments,

we direct that your correspondence in future with the Secret Committees be confined to subjects strictly of a secret nature, such as negotiations in progress with any of the country powers, intelligence of importance which may come to your knowledge respecting the intrigues of foreign nations with any of those powers, and answers to dispatches received from the Secret Committee ; treaties or agreements actually concluded with any of the native princes, as in the case of the treaty with Dowlut Row Scindia, should be at once communicated to the Court of Directors from the political department. We must here remark, that, during the negotiation between Col. Collins and Dowlut Row Scindia and the Rajah of Berar, for the return of those chieftains with their armies to their own dominions, very little of any thing appears to have been transacted in writing, agreeably to the general practice in all diplomatic transactions. We do not mean to object to the conferences which took place between the Resident and those Chieftains, as preparatory to a formal proposition being made in writing ; but ultimately the proposition should have been reduced in specific terms to writing, and the answer thereto returned in the same

manner, by which means we should have been in complete possession of the opinion entertained by those Chieftains respecting the treaty of Bassan, and have been enabled more accurately to have formed a judgment respecting the justice and policy of the war. In future negotiations of a political nature this rule should be adhered to, it being highly improper and even dangerous to rest the evidence of political negotiation upon the reports of the Governor-General's agents, instead of transacting with Princes and States, by written documents, and bringing forward the letters and papers of those Princes and States as the best evidence of their own sentiments and arguments.

Increase of exp^{re} nec. Notwithstanding our frequent interjunctions of economy in the public expenditure, and the revision of establishments communicated in the Governor-General's letter to our Chairman of the 2d April 1801, as well as in the public letter from the Governor-General in Council of the 5th April 1802, we have observed with very great concern a growing increase in the charges of carrying on your Government. The expences of the general branch brought to account in 1802-3, the last we

yet had an opportunity to examine, far exceeds those of any preceding year.

Among the various articles which have contributed to the increase in this branch since 1798, we shall notice the alteration made in the secretary's department, creating an increase of S^r R^s 150,000, or at 2s. the current rupees of £.17,400 annually; the institution of the college at Fort William, of which we have already had occasion to speak in another view, at an annual expence of between four and five lacks of Sicca rupees, or upwards of £.50,000; and the enormous excess in the Durbar of twelve lacks of Sicca rupees, or £.139,000, by which sum the amount brought to an account in 1802-3 exceeds that of 1797-8.

Of the articles last mentioned, the increases are in part owing to various new costly, and we fear useless, embassies, particularly that to Persia: the amounts charged for such embassies in 1802-3 are above seven lacks of Sicca rupees or £.81,200. The expences of the permanent residencies at the courts of the native powers have been also much increased within the period above mentioned.

The expences we have been put to in

building the new government house, and for the purchase of furniture, &c. for the same, fall completely within the scope of these observations.

The Governor-General, in his minute of the 1st of April 1801, on the subject of this new edifice, has referred to two statements calculated to shew that a considerable saving would accrue from the measure proposed by him, of building a new government house and offices for the public services. But in order to prove the weakness of arguments founded on such hypothesis, it is only necessary to observe that the net expence of building the new government house and purchasing the old house and grounds, is estimated in the second of these statements at S^a R^s 540,000 or £.62,600 ; whereas it appears, by the dead stock accounts, that S^a R^s 855,000, or £.99,000, had been advanced for these purposes to the 31st January 1804 : and by the first of these statements the expence of building the government house, and of purchasing houses and grounds for new offices, *including a calculation of repairs*, is given at S^a R^s 774,000, or £.89,784 nearly ; but the actual advances, by the dead stock

account above-mentioned amount, to upwards of S^a R^s 1,320,000, or £.153,120, *exclusive of any calculation for repairs.* This exposition will sufficiently shew the fallacy of estimates of the nature referred to by the Governor-General on this subject.

The sum charged for plate, furniture, &c. for the new government house in 1801-2, 1802-3, exceeds S^a R^s 160,000, or £.18,560.

We observe also that a considerable sum has been disbursed for the Governor-General's house and park at Barrackpore, and for making a new road thither, that we see already charged on this account, which amount to about S^a R^s 46,000, or 5,500*l*.

Among other articles of the Durbar accounts of the year 1802-3, that have contributed to the increase of expence, we find no less a sum than S^a R^s 281,000, or £.32,600, charged for the Governor-General's visit to the Upper Provinces, near S^a R^s 50,000 or £. 5800, for the Governor-General's gardens at Barrackpore, and S^a R^s 28,000, or £.3,248, for fire-works and illuminations on account of the peace in Europe.

Of late splendid entertainments given to the public by the Governor-General we

have yet no other accounts than the descriptions of them detailed in Calcutta gazettes, although we understand that the whole was at the expence of the Company.

It has always been our desire that the dignity of the office of our Governor-General should be maintained with becoming state, suitable to the genius of the national character, and to the peculiar constitution of the governing power. But we think it unnecessary and inexpedient that he should in his houses, his attendants, his establishments, give into the style of Asiatic pomp and display; nothing of this kind is requisite for the support of the British authority in the East, which was acquired and has been preserved by other means; and we think the indulgence of such a taste would have an unfavourable influence upon the British character in that quarter. If these observations are in a political view just, they apply also with particular force in the state in which our finances have been for some years past; wherein the necessity has been evident of the utmost practicable retrenchment in every article of ordinary and accustomed charge; and much more of avoiding

expenditures new and superfluous either in kind or degree, as most of those on which we are now animadverting must be acknowledged to be ; and they come upon the Company with the greater aggravation, because to the extent to which they were fairly avoidable, to that extent they entail on the Company a debt, which probably cannot be discharged without incurring an accumulation of interest larger than the principal. And we feel the more regret at these needless expenditures, because the sums so lavished might have been applied towards the charges of the war, now carrying on at points very remote from the seat of our government, which renders every resource of a pecuniary nature of extreme importance.

It may, we are aware, be alleged in answer to these remarks, that the revenues of the Company have been augmented since 1798, notwithstanding the excess in some articles of expenditure ; but to this we reply, that unless due economy be preserved in the disbursements, it avails little that the public resources are increased ; and although, as on a former occasion, we admit that considerable additions have of late been

made to our resources, yet if the augmentation of expence goes hand in hand with these additional resources, which appears to us to be too much the case at present, the advantages to the Company, so far as finance is concerned, are in fact less than none.

We cannot therefore too earnestly, or too often, call the attention of our Governor-General and Council to the retrenchment of every unnecessary expence in all the departments under them.

No maxim is more evidently just than the necessity of a well-regulated economy in such a government as that administered by the Company, in which, from the nature of things, the income cannot, unless by slow degrees and inauspicious times, be too much enlarged, whilst there is a continued tendency in all departments to the increase of expenditure; but if this maxim is generally true, it demands peculiar regard at the present crisis, in which the Company are loaded with a vast debt, and, with accumulated charges for carrying on their affairs occasioned by European war, have to maintain a most expensive war in India.

Strongly impressed by these considerations, we shall, besides giving them injunc-

tions, feel it to be our duty to go into a particular review of the various branches of the Company's expenditure, and shall hereafter have occasion to give you our more particular orders on this important subject.

We shall now proceed to the consideration of some subjects of great political importance, connected with the administration of the Marquis Wellesley.

Treaty with the Nabob Vizier the 10th Nov. 1801. It is impossible to peruse the papers on the subject of the negotiation with the Nabob Vizier, which led to the conclusion of the treaty with his Royal Highness of the 10th of Nov. 1801, whereby a territory is ceded to the Company in perpetual sovereignty, the gross revenues of which amount to one crore and thirty-five lacks of rupees *, without experiencing a great degree of surprise and concern. Previously to our entering upon this subject, we shall briefly advert to the origin and progress of the Company's connexion with the State of Oude.

The Company's political connexion with Oude commenced in 1765 by the treaty of Allahabad, whereby a defensive alliance was formed between the Company, the Na-

* Or 1,650,000*l.* and producing now upwards of two millions annually.

Nabob of Bengal, and the Vizier Sujah ul Dowlah. By the 2d article of this treaty it was stipulated that, in the case of the Company's forces being employed by the Vizier, the extraordinary expence of such troops should be borne by him.

In 1773 another treaty was concluded with Sujah ul Dowlah, whereby the subsidy for the service of a brigade was fixed at rupees 210,000 per month.

Upon the death of Sujah ul Dowlah in 1775, a new treaty was made with his son and successor, Asoph-ul-Dowlah, by which the expence of the subsidy for the brigade was fixed at rupees 260,000 per month.

This subsidiary force being found unequal to the external defence of the country, and to the maintenance of internal tranquillity, other troops were from time to time introduced, under the denomination of sibbendies, temporary brigade, &c. &c. so that the expence of these troops became an insupportable burthen upon the finances of the country.

It was therefore agreed, in 1781, to withdraw the temporary brigade, and all other troops except the subsidiary brigade, and to augment that brigade with one regiment of Sepoys, for which the Nabob was to be

charged 25,000 R^s. a month, making the whole subsidy amount to 285,000 rupees per month, or thirty-four lacks of rupees per annum. Whatever further troops might be required, the Nabob was to pay for at a rate which was to be agreed.

In 1787 a new agreement was made with the Nabob Vizier by Ld. Cornwallis, whereby the subsidy was increased to fifty lacks of rupees, including the expences of the brigade, the residency, and the stipends to the Begums. If the Vizier should demand more troops, the excess was to be paid for. It was also agreed that a resident should continue at the Vizier's court; but, at the same time, it was declared to be an established system that the Company should not in any respect interfere in the details of the Vizier's government.

In March 1797, it was found necessary to augment the number of troops in Oude with one regiment of European and one of Native cavalry, and to increase the subsidy to $55\frac{1}{2}$ lacks of rupees *per annum*.

In February 1798, on the accession of the present Nabob to the Musund, a new treaty was made, whereby the Nabob agreed to increase the subsidy ~~of~~ 76 lacks of rupees,

per annum (including the stipends to the Beguns, &c.) in consequence of the Company having been obliged to increase their military establishments. The force contained in Oude for its defence was never to consist of less than 10,000 men. If at any time it should be found necessary to augment the number beyond 13,000, the Nabob was to pay for the difference. It was also agreed that, in case the thists of the subsidy should fall in arrear, the Nabob was to give such security for the discharge thereof and for their future regular payment, as should be deemed satisfactory. And it was expressly stipulated that the "Nabob should possess full authority over his household affairs, his hereditary dominions, his troops, and subjects." The preliminary agreement with his Highness contained a condition for an assignment or mortgage of territory, if not more than ten lacks of rupees, as a security for any arrears of subsidy that might arise. The preliminary agreement contained another condition for reducing the Nabob's native troops to a definite number. These two conditions, however, were not inserted in the definitive treaty. The first was relinquished, because to carry it into effect

would have required not only the appointment of civil officers, but the employment of a military force ; besides the unpopularity of such an action, and the apprehensions which the publication of it would have excited. The other condition was given up, because it would have occasioned a general alarm among the Nabob's troops, and possibly might have led to tumult and insurrection ; and as the Vizier had, by the article substituted for this condition, agreed to consult with the Company's Government as to the reduction it might be necessary to make in the superfluous charges of his public establishments, servants, &c. it was in fact not a renunciation, but a modification of the proposed stipulation.

Although the treaty of 1798 stipulates that. if at any time it should be necessary to augment the British troops serving in Oude beyond the number of 13,000 men, the difference was to be paid by the Nabob, it is impossible to suppose that if it should be thought necessary by the Company's government, for the general defence, to station the *whole* or nearly the *whole* of the Bengal army in the province of Oude, that the Nabob Vizier, under a fair and liberal construc-

tion of the treaty, could be considered as liable to defray the *entire* expence. We nevertheless find him willing to assent to such an augmentation of the Company's troops as should be sufficient for the protection and safety of his country, and declaring his readiness to reimburse the expences which were fairly and actually incurred by the Company at the period of Zemaun Shak's approach, but objecting to any changes or degrading conditions. He appears likewise to have adopted, though reluctantly, every proposition made to him for the reduction of his own troops, and furnished cash for the payment of the Company's additional troops. And although he is accused of a want of regularity in the payment of the subsidy, there is but one instance, during the pending negociation, of his withholding a monthly kist ; but this kist he shortly after discharged ; and it was only in case of the kists fallen into arrear, that he was required by the treaty to give such security for their discharge, and for their future regular payment, as might be deemed satisfactory. It does not appear that the Vizier was ever charged with any breach of the treaty of 1798. When we consider therefore, that under the

17th article he was to possess "full authority over his household, officers, hereditary dominions, his troops and his subjects;" we cannot avoid expressing our extreme surprise that the resident at his Highness's court should have been instructed to offer to his adoption the following propositions:

1st. The complete transfer of the whole of his authority, civil and military, to the Company.

2d. Territorial cessions equal to the subsidy and the charges of the augmented force.

We observe that at one time the Vizier seemed inclined to cede territorial revenue to the amount of 120 lacks of R^s, on an abatement being made on account of arrears, and to be freed from further demands; but these terms were rejected, and a demand made of territory equal at least to 135 lacks without any abatement of arrears, unless the first proposition should be agreed to; but he was not to be guaranteed from further demands.

It is painful to peruse the correspondence on the subject of the negociation; if a positive demand, accompanied by threats of a most alarming nature, can be so denomi-

nated. The Vizier, we observe, repeatedly and positively rejected the first proposition ; and it was not till a declaration was made to him in the most explicit terms, that in case of his refusal it was the resolution of the British Government to assume the *entire* civil and military government of the province of Oude, that his assent was obtained. Under such a menace, he appears to have had no alternative but to affix his signature to the treaty which had been proposed, in which not the smallest modification in substance was to be admitted ; thereby assigning over to the Company in perpetual sovereignty a territorial revenue of rupees 13,500,000. Although his Highness appears to have contended for the sole management and controul of the reserved territory, yet the remaining territories are guaranteed to the Vizier and his heirs, under such a system of administration *as may be recommended by the Company's officers* ! We are not surprised that during the progress of this negociation the Nabob, as stated in the records, should have sometimes seemed to be in a state of intoxication ; at others, dejected and in tears ; declaring that after the execution of

the treaty, he should be ashamed to shew his face to his people.

In the Governor-General's letter to the Vizier, of the 14th August 1801, he declares, that no consideration whatever can induce him to relinquish the important object of the pending negociation ; but we know not by what authority he added that the proposed arrangement was supported by the British Administration in Europe : nor are we able to comprehend what is meant by a passage in Mr. Henry Wellesley's letter to the Vizier, notifying his mission : " That Lord Wellesley will pursue the same course which has already received the approbation of his Sovereign, of Parliament, and of the Company." We are not surprised however at the solicitude expressed by the Nabob for such a treaty as no future Governor-General might have it in his power to alter, change, or infringe.

We observe, that on the Vizier intimating a design, previously to the introduction of the before-mentioned propositions, to abdicate the government, and to appoint his eldest son as his successor, the Governor-General deemed the proposition of importance, as leading to the grand object of ac-

quiring for the Company the exclusive authority, civil and military, over the dominions of Oude ; but the Vizier was not to be allowed to appoint a successor.

Upon the whole, the late arrangement with the Nabob of Oude, under the specious form of a treaty, can be considered in no other light than as a direct infraction of the treaty of 1798, and as wresting from him, against his will, a portion of his territorial dominions, to the amount of 13,500,000 rupees*, not as the consequence of any breach of engagements on his part, but in pursuance of views formed by the Governor-General, of procuring for the Company the dominion of the whole province of Oude ; or, failing in that, such a portion of territory as would be fully equal to the former subsidy of 76 lacks, and for the payment of the additional troops to be stationed in those dominions, contrary to the established policy, prohibiting the acquirement of any additional territory, and an indirect violation of the treaty with the Nabob Vizier, of the 21st February 1798.

We shall take into our early consideration, whether the late treaty with the Nabob Vizier, will not admit of such modifications

* £,1,650,000 sterling.

as may ultimately prove more satisfactory to his Highness, and at the same time be productive of reciprocal advantage to both parties.

Equally unjustifiable were the subsequent negotiation and treaty with the Nabob of Furruckabad, for assuming the civil and military government of that province, and the province and the collection of the revenues on the part of the Company, making an allowance to the Nabob, of rupees 180,000, from a revenue of about 10 lacks of rupees *per ann.* In the 6th paragraph of the instructions for carrying the proposed arrangements into execution, it is observed that, by an engagement concluded between the late Vizier and the Nabob of Furruckabad, "*under the guarantee of the Company,*" the late Nabob was bound to pay an annual tribute of four and a half lacks of rupees to the Vizier ; the number of troops to be maintained by the Nabob of Furruckabad was limited to the extent requisite for the purposes of state, and the Vizier was charged with the protection and defence of the province from internal and external enemies. Upon which we shall remark, that had the tribute of Furruckabad not been transferred to the Company

by the late treaty with the Vizier, the Nabob of Furruckabad, under the Company's guarantee, would have been continued in the possession of his country, and protected from any attempt on the part of the Vizier to disturb him. But no sooner is the Furruckabad tribute made over to the Company, than his pretensions to the Company's protection are considered as of no validity, and he is to be dispossessed of the management of his country, upon an allowance of rupees 180,000 *per annum*. We observe, that previously to the conclusion of the treaty the Nabob appears extremely anxious to retain his country, at the same time declaring his want of power to make any objection to whatever is proposed to him. The treaty is accordingly executed, and afterwards ratified by the Governor-General.

Treaty of When we consider that throughout
Bassorah. the whole of the several negotiations with the Peshwa, for the conclusion of a general defensive alliance between his Highness and the Company, and for furnishing a permanent subsidiary force, to be stationed in his territories, he manifested not only a strong disinclination, but even an utter aversion to enter into the engagements

which were proposed to him; and that it was not until after the total defeat by Jeswunt Row Holkar, of the joint forces of the Peshwa and Dowlut Scindia, and at the moment of the Peshwa's flight from Poonah, that he consented to a general defensive alliance being carried into effect. We are of opinion, that upon principles of just policy the negotiation at that critical period ought to have been suspended, rather than that the Company should have entered into engagements with a fugitive Prince, on conditions which he had repeatedly rejected. Besides, the very nature of the third condition, especially the principal one, by which we were to restore the Peshwa to his dominions, had an inevitable tendency to involve the Company in immediate hostilities with the other Mahratta Chieftains, two of whom, Dowlut Row Scindia and the Rajah of Berar, had also manifested an equal repugnance to enter into subsidiary defensive alliances with the Company, upon the grounds probably of such engagements having a natural tendency to subvert the independency of the Mahratta empire.

In treaties of mutual defence, guarantee, and alliance between independent States, it

is presupposed that the contrary parties are sensible of the reciprocal benefits that each may derive therefrom. In the present case the overtures of one party, for the formation of such a mutual alliance, are repeatedly and positively rejected by the other, and his acquiescence cannot be obtained until he is driven from his dominions, and, in that perilous situation, embraces the preferred alliance as the only chance left him for his restoration. Considering also that Dowlut Row Scindia, the successor and representative of Madajce Scindia, was the guarantee of the treaty of Salbey, concluded between the Company and the Peshwa, the treaty of Bassein might be construed into a breach of the treaty of Salbey, that guarantee being now destroyed by the Company, and the Peshwa having entered into engagements to guarantee the possessions of each other against any enemies whatever. Considering also that Scindia was not only a party to the treaty of Salbey, but that he was apparently in the interest of the Peshwa, in opposition to Jeswunt Row Holkar, if our interference could at all be justified upon any sound principle of policy, that interference ought to have been in junction with Scindia : but as

he manifested a disposition adverse to such interference, the same should have been relinquished.

The treaty of Bassein is also liable to legal objection. By the 2d article it is stipulated, "that the British Government will never permit any power or estate whatever to commit with impunity any act of unprovoked hostility or aggression against the rights or territory of the Peshwa, but will at all times maintain and defend the same in the same manner the rights and territory of the Company are now maintained." The Acts of the 24th and 33d of the King forbid the government in India, without the express consent of the Court of Directors or Secret Committee, to commence hostilities against any Country Prince or State, except preparations for hostilities shall be commenced by such Prince or State against the Company, &c. They are also forbidden to enter into any treaty for guaranteeing the possessions of any Country Prince or State, but upon such Prince or State actually engaging to assist the Company against any State then actually in hostility against them, or under preparations of hostility. At the

time of the conclusion of the treaty of Bassein, the Peshwa was not at war with any power against whom the Company were bound to assist him, no such obligation being imposed by the treaty of Salbey, or by any other existing treaty with respect to any other Prince or State whatever. To the same objection in point of legality is the treaty of 1800 with the Saibahdar of the Decan liable.

In the 4th paragraph of your letter to the Secret Committee, of the 12th April 1804, it is observed, that the conclusion of the defensive alliance with the Peshwa was connected with the primary causes of the war with Dowlut Row Scindia and the Rajah of Berar. We had been previously called upon, in the 7th paragraph of the Governor-General's letter of the 21st December 1803, to declare our opinion on the justice and necessity of the war; but as we have reason to believe that the subject of the war will shortly come under the consideration of Parliament, we feel ourselves precluded, by our respect to so high an authority, from declaring any opinion thereon at the present moment.

Defensive
subsidiary
alliances, and
commuting
subsidy for
territory.

A principal ingredient in defensive alliances between States (as we have already in substance observed) is the free will and mutual consent of the parties, founded in motives of reciprocal interests. Where one party enters into such engagements with reluctance or by constraint, the advantages to be expected from such an alliance will not be realized, because the reluctant or the constrained party cannot be relied upon in the hour of danger.

The only States which could properly be considered as our allies in the late war, are the Peshwa and the Nizam. But in what manner did they discharge the obligations of their alliance? In the 255th paragraph of your secret dispatch, of the 12th April 1804, it is stated that, previous to the actual commencement of hostilities, every effort on the part of Major-General Wellesley to induce the Peshwa to equip his contingent force for the purpose of joining our army had failed. In the 767th paragraph of the same dispatch we are further informed that Major-General Wellesley was obliged to march from Poonah unaccompanied with any of the Peshwa's

troops, and that, after urgent and repeated remonstrances, not more than 3,000 horse could be obtained. We are likewise advised, in the 768th paragraph, that on the commencement of hostilities the Peshwa was again urged to complete his contingent of troops, but without success, owing to the mutual distrust and apprehensions founded on a sense of reciprocal injuries, which subsisted between his Highness and his chiefs; and that all the chiefs, except two, returned to their jaghires.

We must here observe that by the Governor-General's letter to Lord Clive, of the 2d February 1803, it appears that the co-operation of the *majority* of the Jaghidars for the restoration of the Peshwa was considered by the Governor-General as forming an indispensable part of the co-arrangement for the accomplishment of that object. We lament that the real disposition of these Jaghidars was not ascertained previous to the march of the troops since, as only *two* of these chiefs could be found to co-operate in the Peshwa's restoration, Hostilities with the Mahrattas would probably have been avoided.

Having noticed the conduct observed by

the Peshwa, previous^d to, and during the war, we proceed to advert to what was the conduct of his Highness subsequent thereto. Although he had not furnished the stipulated number of troops from the prosecution of the war, we find, according to the information contained in your secret dispatch of the 10th of June 1804, that when the treaties of peace were presented to him for ratification, he manifested a spirit of cavil and inordinate pretensions wholly unbecoming his relative situation, refusing at first to ratify the treaties by his seal and signature, and justifying his refusal by claims and pretensions of a most extravagant and unreasonable nature.

With respect to our other ally the Soubah of the Decan, the conduct of his office is represented, in the 71st paragraph of your before-mentioned letter of the 12th April 1804, as contumacious and disobedient. In the 731st paragraph it is said that no exertions were made by the several Killeders and other officers of the Nizam's Government, either for the defence of his country against the predatory incursions of the enemy, or for the success of the common cause; and that in some instances acts of

hostility were committed against the British troops by the Nizam's officers. The conduct of the Nizam's officers is ascribed by you, in the 737th paragraph, to the jealousy, distrust, and aversion with which the connexion with the British Government was viewed by almost all descriptions of persons in his dominions, and that the Nizam himself was not free from the contagion; he is said to have charged the British Government with an unauthorized interference in the internal concerns of his administration, and to have derived our right to remonstrate against the conduct of his Killadars and officers. Such a state of circumstances might well be deemed by you as effecting the fundamental principle of the alliance and as requiring a remedy beyond the immediate redress of particular causes of complaint. But although in consequence of the remonstrance delivered to the Nizam by our resident in public Durbar, and of his being admonished that the motives and principles ascribed to him would place him in the situation of a public enemy to the British Government, his Highness was induced to give the most solemn and distinct recognition of the prin-

principles of the alliance, and executed an additional article in the treaty to that purpose, yet we fear that the sentiments and disposition of the Nizam and his subjects adverse to the Company's alliance, remained unaltered. The feelings of the minister at Hydrabad during the last negotiation for committing subsidy for territory, must have been very acute when he exclaimed, "Surely there must be some bounds to demand and concession, lest the city of Hydrabad should be claimed of us next."

With respect to the various other treaties or engagements, whether of subsidy, guarantee or protection, which have been entered into with several Rajahs or chiefs of the country, during the late hostilities or subsequent thereto, as advised in your *voluminous* dispatch of the 12th of April 1804, we had not yet ascertained whether the advantages to be derived therefrom to those several Chiefs or Rajahs, were of so apparent a nature, as to have induced their voluntary consent to enter into such alliances upon the grounds of reciprocity, without which no such alliances could be considered as desirable or likely to tend to the permanent interest of either party.

By the treaty concluded with the Ranah of Gohud, the Fort and Town of Gawlior were ceded in perpetuity to the Company, who guaranteed to the Ranah the independent possession of the countries assigned to him, on his agreeing to subsidize a British force of three battalions of native infantry, and to pay a subsidy of nine lacks of rupees *per annum*.

In the 529th paragraph of your letter of the 12th of April 1804, you have advised us of a treaty having been concluded with Bajah Ambajee Ingliate, after considerable delays and systematic evasions on his part, by which all the territory in his possession, situated to the northward of Gawlior, inclusive of that fort, was ceded to the British Government; and the British Government guaranteed to Ambajee the independent possession of the territory which had been under his management. But it appears by the 533d paragraph of that letter, that the commandant of the fortress of Gevalior refused to surrender it to our troops; and it was not until after batteries had been opened against the fort, and a practicable breach effected, that the place was evacuated. It is further re-

presented, that Ambojee expressed no surprise at the measures pursued, and shewed no disposition to palliate his conduct, or to establish the validity of his engagements; on the contrary, it is stated, that there was full proof of treachery on the part of Ambojee. This serves to shew, that either the Ranah of Gohud, or Ambojee Jugliali, or both, did not voluntarily enter into an alliance with the Company; and the information contained in the 545th paragraph, that the right acquired by the British Government, under the treaties with Ambojee and the Ranah, had been acknowledged and confirmed by the 9th article of the treaty with Scindia, cannot be urged as an argument in favour of the stability of that alliance.

We are decidedly of opinion, that any measures of a tendency to excite the jealousy of the native powers, or to occasion those acting in confederacy for the maintenance of their independence, which the several subsidiary engagements proposed to them evidently appear to have done, ought to have been most sedulously avoided. We are further of opinion, that the late plan which has been adopted of commuting sub-

sidy for territorial revenue, has not only been deemed highly repugnant to their feelings, but must also be considered as directly contrary to the system of policy as by law established. The Governor-General appears at one period to have been perfectly aware of the line of his duty in this respect. In his instructions to the resident at Hyderabad, of the 8th July 1798, for negotiating an increase of the subsidiary force of that time serving in the dominions of his Highness the Nizam. It is observed that the principles of justice, good faith, and consideration, enjoined by Parliament and by the orders of the Court of Directors, must form the basis of those measures, the execution of which is demanded by the peculiar circumstances of the moment; pursuing no schemes of conquest, or extension of dominion, and entertaining no prospects of aggrandizement either for ourselves or for our allies, it is both our right and our duty to give vigour and effect to our subsisting alliances and treaties, by restoring to our allies the powers of fulfilling their defensive engagements with us, through the means of moderate and pacific representation. It must also be our policy to convince the several

TABLE OF CONTENTS.

CHAP. I.

Brief historical review of the connection of the East-India Company with the state of Oude.—Negotiation between the Bengal Government and the Nabob Vizier Saadut Ali Khan, which led to the territorial cession in 1801. . . . p. 1

CHAP. II.

The Treaty of 1798, did not confer on the Company the right of requiring security for the periodical payments, stipulated on the part of the Nabob Vizier, before these payments should fall into arrear. p. 45

CHAP. III.

The British Government did NOT possess the right of controlling interference in the internal management of the affairs of Oude, at the Period of the negotiation which ended in the Treaty of Territorial Cession. p. 61

CHAP. IV.

On the manner in which the British Government exercised these two supposed rights, which have been treated of in the two preceding chapters. p. 80

CHAP. V.

Conclusion of the subject p. 106

APPENDIX p. 108

REMARKS
ON THE
OUDE QUESTION, &c.

CHAP. I.

Brief historical review of the connection of the East India Company with the state of Oude.—Negotiation between the Bengal Government and the Nabob Vizier Saadut Alli Khan, which led to the territorial cession, in 1801.

THE Company's political connection with Oude commenced in 1756, by the Treaty of Allahabad, by which a defensive alliance was formed between the Company, the Nabob of Bengal, and the Vizier Sujah-ul-Dowlah. By the second article of this Treaty it was stipulated, that in the case of the Company's forces being employed by the Vizier, the extraordinary expence of such troops should be borne by him.

In 1773 another Treaty was concluded with Sujah-ul-Dowlah, by which the subsidy for the service of the brigade was fixed at Rs. 2,10,000 per month.

Upon the death of Sujah-ul-Dowlah, in 1775, a new Treaty was made with his son and successor, Asoph-ul-Dowlah, by which the expence of the subsidy for the brigade was fixed at R. 2,60,000 per month.

This subsidiary force being found unequal to the external defence of the country, and to the maintenance of internal tranquillity, other troops were, from time to time, introduced, under the denomination of Sibbendies, Temporary Brigade, &c. &c. so that the expence of these troops became an insupportable burthen upon the finances of the country.

It was therefore agreed, in 1781, to withdraw the Temporary Brigade, and all other troops, except the Subsidiary Brigade, and to augment that brigade with one regiment of Sepoys, for which the Nabob was to be charged Rs. 25,000 a month, making the whole subsidy amount to Rs. 2,85,000 per month, or thirty-four lacks of rupees per annum. Whatever further troops might be required, the Nabob was to pay for at a rate which was to be agreed upon.

In 1787 a new agreement was made with the Nabob Vizier, by Lord Cornwallis, by which the subsidy was increased to fifty lacks of rupees, in-

cluding the expences of the brigade, the residency, and the stipends to the Begums. If the Vizier should demand more troops, the excess was to be paid for. It was also agreed, that a Resident should continue at the Vizier's court; but, at the same time, it was declared, to be an established system, that the Company should not, in any respect, interfere in the details of the Vizier's Government.

In March, 1797, it was found necessary to augment the number of troops in Oude with one regiment of European and one of Native Cavalry, and to increase the subsidy to fifty-five lacks and a half of rupees per annum.

In February, 1798, on the accession of the present Nabob to the Musnud, a new treaty was made, by which the Nabob agreed to increase the subsidy to seventy-six lacks of rupees per annum, (including the stipends to the Begums, &c.) in consequence of the Company having been obliged to increase their military Establishments. The force contained in Oude, for its defence, was never to consist of less than 10,000 men: if at any time, it should be found necessary to augment the number beyond 13,000, the Nabob was to pay for the difference. It was also agreed, that in case the Kists of the subsidy

should fall in arrear, the Nabob was to give such security for the discharge thereof, and for their future regular payment, as should be deemed satisfactory; and it was expressly stipulated, that the "Nabob" should possess full authority "over his household affairs, his hereditary dominions, his troops, and subjects." The preliminary agreement with his Highness contained a condition for an assignment or mortgage of Territory, of not more than ten lacks of rupees, as a security for any arrears of subsidy that might arise. The preliminary agreement contained another condition, for reducing the Nabob's Native troops to a definite number. These two conditions, however, were not inserted in the Definitive Treaty. The first was relinquished, because, to carry it into effect, would have required not only the appointment of civil officers, but the employment of a military force, besides the unpopularity of such an exaction, and the apprehensions which the publication of it would have excited. The other condition was given up, because it would have occasioned a general clamour among the Nabob's troops, and possibly might have led to tumult and insurrection. And as the Vizier had, by the article substituted for this condition, agreed to consult with the Company's Government, as to the reduction it might be necessary to make in the superfluous charges

of his public Establishments, servants, &c. it was, in fact, not a renunciation, but a modification of the proposed stipulation.

About the middle of the year 1799, commenced the negociation between Lord Wellesley and the present Nabob, Vizier, with a recommendation from the former of a reform in the military establishment of the Nabob; and it ended towards the close of the year 1801, with the forced cession of half the Nabob's territories to the English, and the securing of a permanent controul by the English over the administration of the remainder. The steps of this negotiation must briefly be detailed.

It is allowed on all hands, that, at the commencement of this period, the Nabob continued firm to his engagements with the Company. The treaty of Lord Teignmouth had bound him to the regular payment of a subsidy, but, without conferring on him political independence; had left him entirely uncontrouled in the internal management of his dominions. How closely he adhered to the general spirit of this treaty, may be judged from the testimony of Col. Scott, the Resident at Lucknow, and the chief manager, under Lord Wellesley's orders, of the greater part of this negotiation, in a letter, dated Sept. 20, 1799.

“ After attentively studying the character of
 “ his Excellency, and acquainting myself, as
 “ far as circumstances will allow, with the general
 “ tenor of his proceedings, I am led to conclude
 “ that, whilst he is determined to fulfil, with mi-
 “ nute accuracy, the peculiar engagements with
 “ the Company, his views are directed to the
 “ enjoyment of a full authority over his household
 “ affairs, hereditary dominions, and subjects, ac-
 “ cording to the most strict interpretation of the
 “ clause of the 17th article of the treaty executed
 “ at Lucknow.”*

Col. Scott proceeds to remark, that without the most distant idea of political independence, the Nabob discovered an extreme jealousy of English interference, in those concerns which his Excellency presumed to be left by the treaty under his own exclusive management.

It is further proper to remark, that full six months before the commencement of the period in question, Lord Wellesley seems to have conceived the outlines of that plan of the reduction of the Nabob's military force, and of territorial cession, which has now been accomplished. This will appear from his Lordship's letter of December 23, 1798,† to the then Resident at Luck-

* Oude Papers, No. 3, p. 15. † O. P. (meaning the Oude Papers presented to the House of Commons) No. 3, p. 3.

now; in which he distinctly states his determination "to persuade his Excellency at a proper season to disband the whole of his own army," with a trifling exception; and declares his conviction, that on the earliest opportunity, the greatest part of the Doab (a province of Oude) "ought" to be fixed in the possession of the Company.

The reform of the Nabob's army was the measure first proposed. The intended reform was no slight one; as it involved nothing less than the *complete reduction* of all his Excellency's forces, excepting a very few for the purposes of state and for the collection of the revenues, and also the *substitution* of a considerable British force, not subject to the orders of the Nabob,* although receiving his pay. But, though the British government were prepared to insist on their *right* of introducing this additional force into Oude, and, though in fact three regiments had been already raised for this specific purpose,† it was thought fit to develop the plan gradually, and to try, in the first instance, the effect of persuasion on the Nabob.‡

* LdMornington's letter, O.P. No. 3, p. 6. +O.P. No.3, p.6.

‡ Col. Kirkpatrick's letter, parag. 8. O. P. No. 3, p. 26.

A part of the plan was accordingly communicated to his Excellency, by the Resident, Col. Scott, in August, 1799; how much, or how little of it, we are not exactly informed, excepting that not a hint was given of the proposed augmentation of the British troops in Oude. In October, the Nabob addressed a letter to the Governor General,† in which he expressed the most complete acquiescence in the idea of a reform of his army, but without the slightest remark on the particular plan of reform which had been suggested to him. He promised, however, carefully to consider the subject, in concert with Col. Scott, and invited advice on the subject.

It should be observed, that the chief motives employed to stimulate the Nabob to the adoption of the proposed plan, were drawn from the hazard to which his dominions had been exposed in the preceding year, by the march of Zemaun Shah, with the professed purpose of invading Hindostan. The temporary retreat of that prince, it was urged, afforded a favourable opportunity for the reduction of the Nabob's native forces, which, in the season of alarm, had been found not only useless, but even dangerous to their own party. Some other instances, also, of their incapacity, and even of their treachery, were cited to strengthen this argument.

* O. P. No. 3, p. 22.

It appearing, however, to the Bengal Government, that his Excellency had no intention of cordially co-operating in the accomplishment of the proposed plan, but the reverse, it was thought proper no longer to delay the adoption of summary measures. The Governor General accordingly dispatched a letter to him, insisting on the right of the Company to increase the force stationed by them in Oude, entirely at their own discretion, and stating, that such increase must instantly take place; that the Nabob was bound to defray the expences of the additional troops about to be introduced; and that to enable himself to do so, he would act wisely in disbanding his own expensive and useless battalions.

But before this paper could be delivered into the Nabob's hands, his Excellency, on the 12th November, 1799, had communicated to the Resident a deliberate resolution, on his own part, to abdicate the Government of Oude, on condition that one of his sons should succeed him. To this step, he said, he was led by the disobedience and evil dispositions of his subjects, and also by *certain other causes* which were not explained. The agitation of this question put a temporary stop to the discussions respecting the projected military reform.

When this proposition of the Nabob Vizier was communicated to the Government of Cal-

cutta, it appeared to them “pregnant with such immense benefit, not only to the Company, but to the country and inhabitants of Oude,”* that it could not be too much encouraged, although they determined to assume the language of entire indifference, with respect to his Excellency’s final decision on the subject.—The abdication, therefore, proposed by the Nabob, was approved, but *the condition, on which alone he had proposed it, was rejected*; and he was told that, if he abdicated at all, *he could have no successor but the Company*. The draft of a treaty† was instantly transmitted to him, by which it was to be stipulated, that the Government, civil and military, of Oude, together with its revenues, should be vested exclusively in the Company; that the Nabob and all his family should reside in some one of the Company’s provinces, at a place to be named by the British Government, and should never change their residence without the consent of that Government; that the number of their attendants should be limited; that the Nabob should not, without leave, correspond with any foreign power; and that he should retain all his treasure and property, which were supposed to be considerable. The Nabob was desired to reflect, that the arrangement thus proposed to him would far more effectually conduce both to his private interests, and

* O. P. No. 3, p. 31.

† O. P. No. 3, p. 40.

to those of his people, than the plan of abdication formed by himself.

It is impossible not to observe that, had the Nabob, in compliance with this suggestion, consented to sacrifice the just rights of his ancient and illustrious house, either to public, or to selfish motives, he would have exhibited, in the former case, a mistaken spirit of heroic patriotism almost without example; in the latter, a baseness and abjectness of mind below the contempt of a rational being. After the receipt of this proposition, Colonel Scott informs us, that his Excellency, “ could not conceal the perturbation of his mind, “ which he betrayed by forbidding the customary “ visits, and by refusing to transact any of the “ ordinary business.” Four days after, on the 19th December, 1799, he delivered his reply, which is thus given by Colonel Scott :

“ His Excellency proceeded, that the proposition
 “ offered by your Lordship was so repugnant to his
 “ feelings, departed so widely, in a most essential
 “ point, from the principle on which he wished to
 “ relinquish the government, and would, were he
 “ to accept it, bring upon him such indelible
 “ disgrace and odium, that he could never volun-
 “ tarily subscribe to it. The sovereignty of these
 “ dominions, he added, had been in the family

“ near an hundred years, and the transfer of it to
 “ the Company, under the stipulations proposed
 “ by your Lordship, would, in fact, be a sale of
 “ it for money and jewels; that every sentiment of
 “ respect for the name of his ancestors, and every
 “ consideration for his posterity, combined to pre-
 “ clude him from assenting to so great a sacrifice
 “ for the attainment of his personal ease and ad-
 “ vantage; his Excellency concluded, that the
 “ power and strength of the Company placed
 “ every thing at your Lordship’s disposal.”*

The Nabob Vizier, having been thus frustrated
 in his intention, or (as the Marquis Wellesley ex-
 presses it) having “ suddenly abandoned” it, his
 Lordship conceived that his Excellency’s proposal
 had been from the beginning insincere, and a mere
 trick to defer the military reform. Colonel Scott,
 when questioned on this point by his Lordship, in
 a long letter† proves the contrary; but still the
 Governor General felt so well assured of his con-
 jecture, that, in an official letter to the Vizier, he
 thus states it:—“ Every circumstance accom-
 “ panying your Excellency’s conduct, which has
 “ hitherto fallen under my observation on this
 “ extraordinary occasion, appears to me to indi-
 “ cate, that your Excellency never seriously en-

* O. P. No. 3, p. 62. + O. P. No. 3, p. 68.

* “retained the design of abdicating your Govern-

This suspicion was grounded chiefly on the following circumstance: As soon as the Nabob declined abdicating, to the prejudice of his family, Colonel Scott urged upon him the alternative of a military reform. His Excellency's reply was, that “a Reform on the principles proposed by the
“ British Government, would annihilate his authority in his own dominions.” This, the Governor General declares, was “the first time” of the Vizier's objecting to Reform; adding “not only
“ the general principles, but all the material details of that Reform to which you now object,
“ had been repeatedly approved by your Excellency.”† The intended inference was, that his Excellency's approbation of this project had been merely assumed, while he attempted to embarrass the execution of it by the stratagem of a feigned desire to abdicate his Government; but that, having been driven from this hold, he was now reduced to the necessity of discovering his real dislike to that measure, which he had before pretended to patronise. But, in officially throwing so deep an imputation on a personage of such high rank, the Governor General appears to have forgotten that, by his own account, the “material

* O. P. No. 3, p. 100. † O. P. No. 3, p. 101.

“ details” of this plan were *not even known* to his Excellency till the very moment when he, for the “ first time” objected to it: he appears to have forgotten that, according to his own repeated declarations, when the Nabob first proposed the project of abdication, he had never heard of the meditated increase of the British force in Oude: he appears, in short, to have forgotten the following passage in his own dispatch to the Secret Committee, dated 28th November, 1799. * “ Al-
 “ though the necessity of a Reform in the Vizier’s
 “ military establishment had been for a consider-
 “ able time under discussion between his Excel-
 “ lency and me, and had even been fully admitted
 “ by his Excellency, *no detailed measures* with
 “ a view to the execution of such a plan had yet
 “ been suggested, *nor had any* intention of immedi-
 “ ately augmenting our force in Oude been com-
 “ municated to his Excellency, when he opened
 “ his mind to the Resident at Lucknow, &c.”

It was now, however, determined to carry into effect the proposed reform without delay. The paper, bearing date the 5th of November, which had been drawn up by Lord Wellesley on this subject, and addressed to the Nabob, but of which the delivery (as has already been related) had been deferred on account of his Excellency’s proposal to

* O. P. No. 5, p. 4.

abdicate his government, was now conveyed to him in form; and without allowing him time to draw up a remonstrance which he declared himself to be preparing, the additional troops were actually ordered into Oude. The ground on which this measure was justified was this; that, as the Company were bound by Lord Teignmouth's treaty to defend the Nabob's dominions, that treaty must be understood to confer on them, by implication, what it was admitted not to give directly,—the power of augmenting the British forces stationed in Oude, intirely at their own pleasure, and even in spite of the Nabob's will, whenever *they* should think such a measure necessary to the discharge of their defensive engagements with his Excellency. It was further contended, that the Nabob was bound to maintain any number of troops, which the Company might station in his dominions; because one article of the treaty obliges him so to do, whenever an augmentation of his British auxiliary force “should be thought necessary.”

The Nabob was now, in some degree, left to exercise, ostensibly at least, his own judgment, with regard to the long-agitated reduction of his native troops. The British Government, however, felt convinced,* that the introduction of their additional forces, by putting his Excellency to so much

* Vide Colonel Kirkpatrick's Letter, O. P. No. 3, p. 67.

expençe, would soon compel him to rid himself of his own army, while it would also facilitate the dissolution of that army, by overawing or quelling the ill humour of the soldiers disbanded.

Of all these measures, the Vizier allowed neither the justice, nor the necessity.* “ Yet dreading “ (as he expresses himself, in a memorial to “ Colonel Scott†) his Lordshp’s displeasure,” he consented that the new troops should be introduced, as soon as funds could be provided for their maintenance, and not sooner; but whether he was sincere in this partial compliance, or affected it to gain time, he was disappointed. A considerable part of the troops actually arrived in Oude, on the 15th of January, 1800; and, in the beginning of February, the Resident, formally and peremptorily, demanded of his Excellency the amount of their pay during the preceding half month. According to Colonel Scott, the Nabob, during this period, strove, by every means in his power, to embarrass the introduction of the troops, particularly by straitening them for provisions; but, of his obstinacy in this point, he was soon cured. With respect to the reduction of his native army, he began to carry it into effect with serious attention, and on the 25th of February, 1800, actually issued positive orders for disbanding nine battalions. Into

* See Appendix (A). † O. P. No. 3, p. 77.

this degree of good behaviour, he is said to have been alarmed by the severity of a reproof, which he had drawn upon himself from Marquis Wellesley, partly by having returned an ~~un~~official memorial, in answer to an official letter of his Lordship's, and partly also by having in this memorial intimated his fears that "the credit of the Company would suffer," if they persevered in their present plans, with respect to Oude.*

In a letter from the Nabob Vizier to the Governor General, written in the early part of February, 1800,† his Excellency states what had originally been his own views respecting the reform of his military establishment. They appear, in the main, to have been directed simply and literally to a *reform*; his troops were to be amended and rendered fit for service; not annihilated and replaced by an army acting entirely under the orders of another Government. This letter also alludes to some other discussions, which took place about this period, relating to the stations best fitted to be oc-

C

* This memorial, with some accompanying documents is given at large in the appendix, (A) for reasons there assigned. † O. P. No. 3, p. 103.

cupied by the additional forces,* and to an application on the part of the Nabob for some abatement of an old arrear of debt; but these are matters of subordinate importance.

The military *reform* was prosecuted with vigour, by Col. Scott, through the six months ensuing.— On the 19th of April, Col. Scott† thus addresses the Governor General: “The Vizier steadily acts up
“to his assurance of a ready acquiescence in all
“my propositions with regard to the dismissal of
“his troops; but, either from his usual reserve,
“or from not being yet reconciled to the measure,
“can rarely be brought to assist me with his
“opinion or advice. His Excellency continues
“equally punctual in complying with my applica-
“tions for funds for payment of the additional
“troops.”† Honourably as the Nabob discharged his engagements with the Company, it would be strange to suppose that his submission did not cost

* The Nabob is, in the Oude Papers, not unfrequently charged with duplicity. The *justice* of the charge, this is not the place to canvass, but with what *decency* it could be brought forward by those who preferred it, let the reader determine when he shall have read the letter from the Resident at Lucknow to the Governor General, in No. 3, page 71, stating the pretext, *confessedly a false one*, on which a British detachment was to be sent into Rohilcund.

him a struggle. He was, in fact, harrassed by the enormous charges for the support of troops whose presence he could not perceive to be necessary, and suffered much distress of mind at the gradual decline of his consequence.

The arrival of another regiment of the additional troops within the Nabob's dominions about the end of October, 1800, drew from his Excellency that fatal letter, which, for whatever reasons, was the immediate occasion of his losing the entire possession of half his dominions, and the liberty of governing the remainder. This letter is addressed to the Resident, and begins with professing his Excellency's anxiety to act in every respect "in conformity to the desire and wish of the most noble Marquis Wellesley." The burdens to which he was subjected, are next alluded to; the following is the passage which sealed his ruin: "It is not more than three days since the necessity occurred for requiring payment both of the usual subsidy, and of the charges of the new troops, and you accordingly applied for the same. You have now made a demand of a lack and forty thousand rupees, balance of the amount allotted for the repairs of the Fort of Allahabad. The state of the collections of the country is not unknown to you; you know with what

“ difficulties and exertions they are realized; and
 “ hence I frequently feel a great degree of solitude
 “ and apprehension, knowing that occasions of ex-
 “ igency often suddenly present themselves, lest
 “ if I should fail at a season of exigency in mak-
 “ ing the necessary provision, my responsibility
 “ should be impeached. I therefore wrote to you,
 “ that until I was secure of resources to answer
 “ the demands, I could not become responsible ;
 “ accordingly Jye Sookh Roy has been directed to
 “ prepare a statement of the condition of the coun-
 “ try with respect to its resources. He promises
 “ to prepare it in fifteen days, and is actually
 “ employed upon it; you shall be informed when
 “ it is ready, and you can then come and inspect
 “ it, and in concert devise resources for the ad-
 “ ditional demands according to the actual assets,
 “ and I will act accordingly.”* Colonel Scott, in
 reply, accepted the proposal made in the conclud-
 ing sentence.

This letter being transmitted to the Go-
 vernor General, his Lordship's attention was
 “ particularly directed” to that part of it, which
 states the Nabob's apprehensions of being found,
 in some instance, unable to discharge his engage-
 ments with the Company. This is the more re-
 markable, as his Lordship, at the same time observed,

* O. P. No. 3, p. 141.

that the facts which now excited the Nabob's apprehensions had been for a considerable time perfectly notorious. So completely, however, was the attention of the Governor General exhausted upon the statement referred to, that he seems to have had no eyes left for the fair and liberal proposition with which the Vizier had followed it up, the proposition of an inspection, *in concert*, of the state of his finances, by the Resident and his Excellency himself, with a view of finding assets for the support of his increased expenditure.

When the Vizier mentioned his commendable anxiety to be found faithful to his engagements, he was not aware of the proof to which this very proper feeling was shortly to be brought. Orders were dispatched to Colonel Scott, instantly and peremptorily to insist on his Excellency's adopting one or other of the two following propositions; either 1st. *The complete transfer of his whole authority, civil and military, to the Company*; or 2nd. *territorial cessions in perpetual sovereignty, equivalent to subsidy and the charges of the augmented force.** The necessity of securing the Company against the hazard of a failure in the Nabob's resources, was the ground on which this demand was principally rested.

His Excellency received this unexpected communication about the middle of February, 1801, and received it in the manner that might have been expected, and would have been wished, by every friend to his character and fame; *he decidedly rejected both the proffered propositions.* He rejected the first, declaring that nothing should ever induce him “with his own hands, to exclude himself from his paternal dominions.” He rejected the second, because he had paid the subsidy punctually. “It is equally (he says in his letter to the Governor General) a subject of astonishment and concern to me, that whereas, under the former Government, the payment of the Kists, though so much smaller in amount than the present, was constantly kept in arrear during three or four months, the Jumma of the country was diminishing yearly, and yet no such propositions were brought forward, they should be agitated under the Government of a friend, who hopes every thing from your Lordship’s kindness, who is anxious to obey you, and manifest the steadiness of his attachment, who punctually pays the full amount of the Kists, notwithstanding their increased amount, and who has conformed to your Lordship.”*

But the Nabob was much mistaken in supposing

* O. P. No. 3, p. 164.

himself at liberty to decline both the propositions conveyed to him: in the event of his rejecting the first, the Governor General had fully determined on enforcing the second, without the smallest condition or limitation. The first, however, would have been clearly preferred by the Bengal Government: partly, as they said, because it would much more effectually promote the happiness of all the parties concerned; partly, we may conjecture, because the whole of a province, is a more agreeable acquisition than the half of it. This proposition they therefore pressed upon the Nabob's attention with the utmost perseverance and importunity. His excellency was reminded of his former purpose of abdicating the Government of Oude; was gently reproached for having, on that occasion, so *suddenly changed his resolution*; and was exhorted, to resume, by another change, the substance of it. He was assured, that the transfer of his whole power to the Company, would not only increase the felicity of the people of Oude, and of the Company; but that it would be an unspeakable source of happiness to himself. To crown all, he was conjured, by every consideration of regard to his illustrious family, to consent to this arrangement, to deliver his posterity from the cares of government, and to cut them off from the succession for ever.

In favour of the territorial cession, should the Vizier reject the first plan, similar reasonings were employed. His Excellency had termed such a cession *a separation of his territory*. "Would it then (the Governor General asks) be a separation of your territory to place a portion of your dominions, in the hands of those with whose interests your own are indissolubly united? whose justice placed you upon the Musnud, and whose power now supports you in that exalted station?"*

Although these reasonings seem to have been infinitely above the comprehension of the Vizier, he could not be equally callous to another sort of argument that was employed in aid of them; a strong hint that he would do well not to provoke the British Government, whose claims upon his gratitude were carefully recounted on the occasion, and a suggestion that his refusal to sacrifice a part of his power would confer on that Government, the right of seizing the whole. The unfortunate Prince at length began to waver.

At the moment of pressing the two propositions,

* For this part of the narrative, see in general Lord Wellesley's letters to the Vizier, O. P. No. 3, p. 148, 185, the Vizier's letters, p. 160, 163, the Resident's memorial to the Vizier, p. 202, &c. &c. &c.

in question upon his Excellency, an old and long dormant demand of arrears* for the payment of some British troops that had been raised for the defence of Oude, in 1798, was revived, and an immediate compliance with it required. At the same time he was charged with a part of the expence of two successive embassies that had been deputed to Persia, for the purpose of ascertaining, and, if necessary, counteracting the views of Zemann Shah upon Hindostan.† The Vizier allowed, in general, the justice of the former charge and soon liquidated a part of it, but he protested against the latter. Why these demands should have been so strongly urged at this moment, when the Company had a near prospect of a large accession to their finances, it were difficult to discover, did not the following passage furnish us with a clue. “ If the
 “ urgency of this just demand should induce the
 “ Vizier to relax the obstinacy of his objections
 “ to a permanent and general arrangement of the
 “ affairs of Oude, founded on either of the pro-
 “ positions detailed to you in the Governor Ge-
 “ neral’s instructions of the 22d of January 1801,

* O. P. No. 3, p. 162.

† O. P. No. 3, 191. The injustice of this latter charge is very well exposed in the 3d article of the Nabob’s *paper of requests*, p. 227, and might easily be expiated upon, were it allowable to divert the reader’s attention from the main scene of oppression to its episodes and accompaniments.

“ his Lordship is satisfied that you will not fail
 “ to avail yourself of any such favourable turn in
 “ his Excellency’s mind.”

*On the 10th of May 1801, the Nabob first communicated to Col. Scott his memorable *paper of requests*. This was the paper of which, although his Excellency earnestly intreated that it might be confined to the Resident’s private perusal, Col. Scott secretly transmitted a copy to Lord Wellesley. The paper, however, was formally communicated to his Lordship by the Nabob, about the end of the same month.

This instrument contained a conditional assent to the proposed cession of territory. One article had originally appeared in it, which, on the strong remonstrance of Col. Scott, was instantly withdrawn. This article proposed a stipulation, that the countries to be ceded should be received at an ancient valuation, and not according to their present diminished produce; or that the revenues should be collected from them by an *Aumil* nominated by the Vizier, but acting under the superintendence of an officer to be appointed by the Company’s Government. The delivery of the paper

* On this subject, see O. P. No. 3, 207, 215, 218, 222, &c.

was also accompanied with a verbal and respectful request from his Excellency, that the Company would be satisfied with the whole of his possessions to the westward of the Ganges, together with the whole of his possessions in Rohilcund; although the present produce of them might be somewhat below the demand of the British Government. The reply was peremptory, that no abatement whatever of the demand would be allowed. With what propriety or decency these two conditions were so positively rejected, may appear in the following pages.

With respect to the articles that remained, the answer of the Governor General was, *first*, that the territorial cession must be *absolute* and *unconditional*, it being the *right* of the Company to insist on it without any terms; *secondly*, that *even* could any bargaining be allowed, the conditions proffered by his Excellency were utterly inadmissible. The tenor of conditions so rejected may be worth considering.

Several of the articles stipulated for the undisturbed administration of the Nabob's reserved territories by his Excellency. It was proposed, that his subjects should not in future correspond with the British Government, without his knowledge; that the respective limits of the ceded and the reserved

territories should be accurately defined and described in this treaty; that the ordinary stations of the British troops should be fixed in the ceded countries; and that his Excellency should be guaranteed against all farther claims in future, against all British interference, except by way of advice, in the government of his reserved dominions, and against any infraction of the present treaty by any succeeding Governor General. At the crisis which this singular negotiation had now reached, the last of the proposed conditions, at least, might have seemed excuseable; but the Governor General was pleased, in reply, to declare that the articles just specified “betrayed *“ the most unjustifiable, undignified, and improvident jealousy of the Company’s authority and power !”* and the Nabob was again reminded, *that he owed every thing to the British.*

There were some other articles; certainly of a more dubious description; and of these, to silence all suspicions of misrepresentation, the two that seem to have been thought the most questionable, shall be transcribed:

“ 7th. Should any person prove disobedient to my orders, or should any one disturb the affairs of Government, on such crimes being duly proved, let no one oppose, or impede the punishment, or banishment of such people.”

“ 13th. Some arrangement among the servants
 “ of the Sircar (the Government) tending to diminish
 “ my expences, will become indispensable; and
 “ to obviate disturbances, it will become necessary
 “ to return such numbers only as can be paid
 “ monthly, and regularly; this arrangement can
 “ only be effected by dismissal, and I desire that
 “ no intercession be made for any person whatever.”

These articles, in which the Nabob seems to claim certain powers; and powers not very well defined, over his household and subjects, may fairly be called *dubious*. Whether stronger terms of reproach should be affixed to them, is left to the private judgment of every man; the Resident did not, by any means, spare them; but it was reserved for the manifesto of the Bengal Government, converting surmise into certainty, to lavish on these unfortunate articles, and on the framer of them, the most blackening, terrible, and slanderous epithets, that can be furnished by the whole vocabulary of diplomatic abuse. Power, vested in the hands of an Asiatic Prince, and especially of a Prince exasperated by a suspicion, not to say a *knowledge* of secret correspondences between his subjects and his professed allies, is, assuredly, not very likely to be *husbanded*. But by what train of reasoning the Durbar of Calcutta contrived to infer from the obnoxious articles, that the Nabob had

deliberately determined to effect “ the ruin and
 “ misery of a whole people, to involve the whole
 “ nobility and gentry of Oude in vexatious accu-
 “ sations, and extensive proscriptions;” and,
 besides some other particulars almost equally alarm-
 ing, “ to spread over the whole country a general
 “ system of rapacious confiscation, arbitrary im-
 “ prisonment, and cruel banishment,” it is not
 easy to conjecture; unless, indeed, they had their
 reasons for knowing, that uncontrolled authority
 is generally oppressive and insolent; that the wan-
 tonness of ambition has no mercy, either on private
 men, or on sovereigns; and that the *power* of
 inflicting “ ruin and misery,” “ vexatious accu-
 “ sations,” and “ rapacious confiscation,” but too
 often creates the *will*.

The Bengal Government were, however, so
 thoroughly convinced of the justice of their suspi-
 cions, on this matter, that they did not scruple
 “ most earnestly” to caution the Vizier, against
 suffering the tenor of the articles in question, to
 “ transpire in his Excellency’s Court, or among
 “ any description of his Excellency’s subjects.”
 “ The publication” of them (they asserted) “ and
 “ still more, the attempt to carry them into effect,
 “ would, inevitably, occasion the most dreadful
 “ convulsions in the province of Oude; and would
 “ for ever alienate, from his Excellency’s person

“ and government, every sentiment of affection, obedience, or respect.” Will it be believed, after this, that they were careful to retain an attested copy of this dangerous paper, with the express purpose, in case they should not gain the Nabob’s consent to a cession of territory, of furnishing “ the principal personages in Oude with attested copies of such parts of that paper, as tended to disclose” the supposed evil designs of his Excellency?*

The Nabob, when he perceived a territorial cession to be inevitable, exerted all his efforts to procure for himself, the real and efficient administration of that part of his country which should be left in his possession. The Resident was disposed to concede this point, and actually appears to have given something very like a pledge to that effect; though it must be owned, that he did not himself consider it in this light: he presented to the Nabob the draft of an article, with the avowed purpose of inserting it in the treaty, by which his Excellency was to be allowed the “ sole and exclusive management” of his reserved dominions, “ without any interference,” on the part of the Company, excepting by advice; and the Nabob, on receiving this article, “ expressed his full approbation and satisfaction.”† But the Governor

* O. P. No. 3. p. 213. † O. P. No. 3. p. 216, 220.

General was convinced, that the Vizier's reserved possessions would, if committed to his own uncontrolled management, fall into such a state of confusion, as to endanger the contiguous territory yielded to the Company. And, although this large tract of territory could only be yielded on the supposition that the British army stationed in Oude was powerful enough to maintain both the external and internal security of the whole province, yet to fulfil what the Bengal Government had so often called an *indispensable* engagement, they required some further concessions on the part of the Vizier. Not only did they insist on the privilege of stationing their forces in any part of Oude, which was, perhaps, for them, a tolerably reasonable claim; but also on the extinction of his Excellency's military power; and on the introduction, into his dominions, of such regulations of police, *under the controul of the Company's officers*, as the Company should think proper.* The sequel will shew that their demands did not stop even here.

His Excellency at first rejected these terms with indignation, declaring that the object of them "was open to the comprehension of a child."† But the British Government, he said, possessed the power of carrying them into effect; and, if it seemed good to them, might do so without his concurrence.

This language he continued to hold for some days. The Resident was then instructed to communicate to him the three following points: 1st. the necessity of his instantly discharging the whole of the old balance due from him to the Company, on account of the augmentation of the British army in Oude; in the event of his refusal, an equivalent portion of his revenues was to be sequestrated. 2dly. The necessity of the immediate farther reduction of his army. 3dly. The necessity of his instantly negotiating a territorial cession, and failing that, the determination of the Bengal government, to seize, without delay, the tract of country destined for such cession. This message being delivered to him, on the 23d of June, 1801,* he replied, with calmness, that if the proposed measures were to be adopted without his consent, he hoped that his presence would not be insisted upon, and that he would be permitted to perform a pilgrimage to the shrines of some Mahomedan Saints, leaving one of his sons as his temporary deputy.

It is proper to observe that this concluding request had been repeatedly, more or less directly, preferred by the Nabob; nor is his motive in preferring it distinctly known. The Resident suggested

D

* O. P. No. 3, p. 243.

at the time, an idea not unsupported by collateral circumstances, that his Excellency might possibly be projecting a voyage to England, with a view (we may presume) of laying his wrongs at the feet of the British Throne and Parliament. But it is not, perhaps, necessary to seek for any reasons beyond those which the Nabob himself assigned—his own mortified feelings. To withdraw from the scene of his disgrace, and to avoid a personal concurrence in his own humiliation (although such a conduct Col. Scott is pleased to consider as the effect of “childish resentment”*) must have been considered as the gravest mode which he could adopt, of entering and recording on the minds of the whole Indian people, a solemn protest against the iniquity which was levelling him with the ground. In fact, the papers printed by order of Parliament, and the well-known dispatch of the East-India Directors, concur in shewing, that his Excellency suffered, during the whole of the singular egotiation here recorded, the greatest anguish of mind. Distress drove this unhappy prince to seek a temporary refuge in pleasure and diversion; but, in his calmer moments he discovered the deepest dejection, lamenting his misfortunes, throwing aside his turban, and frequently shedding tears.

* O. P. No. 3, p. 245.

The Nabob's application for the liberty of a temporary absence *was rejected*;* and, a few days after, Col. Scott proceeded to take measures for assuming forcible possession of that territory, which his Excellency could not be persuaded to yield up in form. Having desired a conference with two of the Nabob's principal Aumils, the Resident informed them, that a portion of the districts under their respective charges, were to be included in the territorial assignment, cautioned them against giving his Excellency the usual advance for the ensuing year, and received from them the strongest professions of obedience to his orders, and of submission to the Company. The Nabob was so much exasperated at this measure, that through the greatest part of the month of July, he withheld the Kists due to the Company for the preceding month, and was with difficulty at length prevailed upon to resume his customary payments.†

The meditated seizure of territory was justified by the British Government, on the same ground on which they had set up their claim for a territorial cession. The eleventh article of Lord Teignmouth's treaty had provided that " whenever

D 2

* O. P. No. 3, p. 245, † O. P. No. 3, p. p. 248, 254.

“ the payment of the Kists should fall into arrears,” the Nabob Vizier should give “ such security to “ the Company, for the discharge of the existing “ arrears, and the future regular payment of the “ Kists, as should be deemed satisfactory.” This stipulation, the Marquis Wellesley argued, conferred on the Company the right of demanding the security mentioned in the treaty, even before the Kists should have actually fallen into arrear, provided that, in the opinion of competent judges, they were in danger of so doing from the gradual decline of the resources of the country; and the right of demanding such security involved the right of usurping it, whenever a compliance with the demand should be refused. The punctuality of the Nabob’s payments, it should be noticed, his Lordship did not dispute.

The occupation, however, of the districts marked out for the territorial security, was deferred for a season, by an express order from Calcutta, received by the Resident at Lucknow, on the 10th of July, 1801. The stroke was suspended, both because the season of the year would be unfavourable for military movements, and because hopes were indulged, that the mission of the honourable Henry Wellesley to Lucknow might yet prevail on his Excellency to yield his assent to one of

the two propositions of the British Government.* Mr. Wellesley arrived at his post in the beginning of September, 1801, and opened his negotiation on the 6th day of that month, with a revival of that most harrassing proposition which the Vizier had so repeatedly and so firmly resisted,—that his Excellency should resign the entire government, civil and military, of Oude, to the Company. The Vizier declared, that a compliance with such a proposal would subject him to “universal reproach and infamy.” “Admitting (his own words are) “that such a measure were for my own “particular benefit, still how can I support the “everlasting stigma, of depriving a whole family “of such a kingdom? For these reasons I cannot “give my consent.”†

But before the reply of the Nabob was known at Calcutta, the Governor General had dispatched to the joint negotiators at Lucknow, a ‡ paper of instructions, somewhat differing in their tenor, from those under which Col. Scott seems latterly to have acted.§ His Lordship directs these gentlemen, if the Vizier should have continued to reject both the propositions tendered to him from the British Government, to proceed to enforce,

D 3

* O. P. No. 3, p. 244.

† O. P. No. 4, p. 15.

‡ O. P. No. 4, p. 16.

§ O. P. No. 3, p. 244.

not the *second*, but the *first* of those two propositions; not a territorial cession, with which Col. Scott appears before to have contented himself,* but a transfer of the Nabob's whole power to the Company. This paper arrived at its destination too late to be acted upon; but it is worthy of notice, as developing more fully, and pursuing more boldly into their practical consequences, those doctrines of the *virtual right of the British Government, to a coercive interference in the affairs of Oude*, which had been more or less faintly avowed from the very commencement of the negotiation; which, in every paper, had appeared, hovering perhaps at a distance, as a reserved guard to the arguments actually brought into action.

Indeed, although this paper did not reach the scene of action till after the close of the negotiation, the spirit of its contents seems to have arrived there with Mr. Wellesley. For it was not until this gentleman had explicitly signified to the Nabob, that his rejection of all territorial surrender would occasion him the forfeiture of his whole power, that his Excellency, on the 19th of September, gave a painful assent to the second of the two proffered propositions.† To detail the circumstances that immediately led to this event,

* O. P. No. 3, p. 244. † O. P. No. 4, p. 14.

could serve no purpose, since the nature of the negotiation must by this time clearly betray itself. Suffice it to remark, that during this, as during all the former steps of the affair, every, “ oblique “ invective” against the proceedings of the British Government, every slight mark of disrespect that might escape his Excellency, towards the representatives of that Government, only made way for the obtaining of a large arrear, with interest, of concessions, compliments, and homage.

The treaty of territorial cession was exchanged between the Nabob and the two English gentlemen, on the 10th of November, 1801, and received the ratification of the Governor General on the 14th of the same month.* The British Government secured by it not only a large and most valuable accession of territory, but also all the chief objects for which they had been so long contending,—the extinction of the Nabob’s military power, the liberty of stationing British troops in any part of his Excellency’s reserved dominions which they might think fit to select, and an efficient controul over the administration of these dominions; while, in return they were bound, not

D 4

* O. P. No. 4, p. p. 25, 28. See Appendix (B) where this Treaty, and that of Lord Teignmouth, are given.

to the maintenance of any specific number of forces in Oude, but only, in general terms, to the defence of that province. The Nabob, however, insisted so firmly on the propriety of granting him a temporary leave of absence as soon as the treaty should be concluded, that this point was at length conceded to him, and was made, in some sense, a condition of his acquiescence in the treaty itself. His motive for this petition he thus assigns: " Let
 " me speedily be permitted to depart on my travels
 " and pilgrimages, for I shall consider it a dis-
 " grace, and it would be highly unpleasant to me
 " to shew my face to the people here."*

About the middle of the year 1803, the Marquis Wellesley himself arrived at Lucknow. It was the object of his Lordship to settle a variety of points, arising out of the treaty of the 10th of November, 1801, which yet remained unadjusted. It is here, however, necessary to mention only the final establishment of a complete system of British influence over the counsels of his the Nabob Vizier's, in the management of his reserved dominions. After many struggles to save the wreck of his authority, his Excellency was obliged to submit to an arrangement, by which it was provided, that " he would
 " not act in any important matter without the

“ previous advice of the Resident; *and that in the event of their differing in opinion, he would abide by the Resident’s advice.*”—He earnestly wished, in some degree, to limit the unrestrained intercourse of his subjects, with the Resident, declaring that, unless all such intercourse, without his knowledge and intervention, were forbidden, his authority and dignity would be utterly despised; but *this proposition was rejected.**

And now let the author claim some indulgence, from all the friends of humanity and justice, if he here gives way for a moment to his stifled feelings. He must then declare, that the correspondence of the Nabob, through the whole of the memorable negotiation here detailed, but above all towards the close of it, confined, as it nearly is, to simple expressions of submission, and the most humble requests, is calculated to excite the deepest interest and commiseration. The petitions, for such they must be denominated,† addressed to Lord Wellesley, are particularly striking. After all that has been said of this Prince’s avarice, insincerity, and duplicity, after all the reflections that have been thrown on his private character, (and these are points on which the British Government, and their negotiators, are copious even to tediousness) it is scarcely

* O. P. No. 4, p. 27.

† In O. P. No. 4.

possible to inspect, without tears, those melancholy memorials of humiliated greatness; or, to avoid exclaiming, O insulted names of British Justice, Honour, and Generosity!

It remains, in the following pages, to consider the principal grounds of justification, which have been taken by the British agents in the transactions under review: It were, indeed, hypocrisy in the author to dissemble his belief, that the ostensible reasons for their conduct towards the Vizier, were no better than pretexts, covering a system of ambition, spoliation, and injustice; but it is his intention to canvass these reasons, to the best of his ability, fairly; and to prove their futility, by the test of a rigorous examination. One thing only should be premised: that it will be unnecessary to take into the account the private character of the Vizier, or the accusations of artfulness and dissimulation, which are so liberally lavished on him by the Bengal Government. Were those accusations just (and even the preceding narration incidentally shews, that some of the heaviest of them are unfounded,) still, many allowances should be made for a person fighting so unequal a battle, arguing with those who had the power of crushing him in a moment, dreading (as he himself confesses) their displeasure, and fearful of involving himself

in ruin, by an unguarded word. A timid witness, however honest, may be cross-questioned into something that shall appear extremely like prevarication. But any further discussion upon this subject would be utterly superfluous; for it is the object of this publication to prove, that the Bengal Government were, in the terms which they offered to the Vizier, and the claims which they set up, the aggressors; that *they* first broke treaties; that the offence began on *their* side; and if these things can be proved, they have indubitably forfeited all right of grounding their defence on the fraudulent conduct of the other party concerned.

In vindication of their proceedings, with respect to Oude, the Government of Bengal has asserted, that the Company possessed *two* rights; each of which shall be shewn to be imaginary:

First; A right, pretended to be conferred on them by Lord Teignmouth's treaty, of requiring security for the periodical payments, stipulated on the part of the Nabob Vizier, even before these payments should have fallen into arrear, provided they were supposed to be in danger of so doing.

Secondly; A right of coercive interference in the internal management of the affairs of Oude; avowedly contrary to an express stipulation, in an article of Lord Teignmouth's treaty.

These *two* claims shall be sifted in their order.

CHAP. II.

The treaty of 1798 did NOT confer on the Company the right of requiring security for the periodical payments, stipulated on the part of the Nabob Vizier, before those payments should fall into arrear.

THE eleventh article of the Treaty of 1798, contains the following stipulation:—" If contrary
 " to the sincere intentions and exertions of the said
 " Nabob, the payment of the Kists should fall into
 " arrears, the said Nabob Saadut Alli Khan en-
 " gages and promises, that he will *then* give such
 " security to the Company, for the discharge of
 " the existing arrears, and the future regular pay-
 " ment of the Kists, as shall be deemed satisfactory."

No other mention of the security here provided for, is made in the treaty ; and therefore, so far as relates to the time when such security should become due to the Company, the construction of the article must be sought only in itself.

In construing this article, the Bengal Government, in 1800, argued, that a crisis might occur, and in fact had occurred, in which the Kists should for a time be proceeding in a course of punctual payment, while the revenues of the country were progressively declining, and even approaching the brink of ruin; that, under such circumstances, to defer the demand for security till the payments should actually have fallen into arrear, would be to risk the loss of it altogether; and that, therefore, in such case, to demand it instantly, was both the right and duty of the Company. "The *intention* of the British Government (the Nabob was informed) could not have been to confine its claim of security to a period of time when the resources of the country should become inadequate to the payment of the subsidy." On this ground, the security was actually claimed of the Nabob, at a time when he is allowed to have been paying his Kists to a day; and he was compelled to give half his dominions, on pain of losing the government of the whole.

It is painful to be obliged, at this advanced period, to reiterate truths which must have been familiar to the patriarchs; but can it be seriously maintained, that *prevention* and *remedy* are the same thing? or that "then," means "*before* then?" When a right is said to accrue "in a particular

event," is it not, in the judgment of common sense, implied, that it does not accrue *till* that event? Such questions answer themselves.

Were it true (and nothing, it will appear in the sequel, was ever less so) that, by an exact adherence to the provisions of the treaty, the British Government would have been exposed to ultimate loss, this would only prove that the treaty was a bad one; but what sort of reason would that be for breaking it?

But is not, it may be asked, a case conceivable, in which such an *intention* as the Bengal Government ascribes to the framers of the treaty in question, might be consistent with such *words* as, in framing it, they have employed? If there be such a case, there is but *one*; and this out of indulgence to a desperate cause, shall be here stated. *If, at the time of framing the treaty, it was distinctly known, that it would be always impossible, or nearly impossible, to realize the security provided for, excepting by somewhat anticipating the actual failure of payments, then perhaps, but certainly then only we may suppose that such anticipation was in the minds of the contracting parties. If it was notorious that the stipulation could be carried into effect only in one way, in that way, we may presume, it was intended to be carried into effect. Now this statement at*

once decides the present question. The impossibility that has been just mentioned, could never have been supposed by the framers of the treaty, because, in fact, they must have known that the impossibility exactly lay on the other side. For surely, imagination itself cannot feign a situation of things in which the demand of a security from the Nabob, *could* have proved (as the Bengal Government are pleased to express it) “altogether nugatory.” A few words will make this evident.

Let us then fancy an extreme case; let us imagine the *literal* fulfilment of the expressions used by the Bengal Government, when they predict the dilapidation of the revenues of Oude, expressions strong and bold, almost beyond the licence of the East. Let us suppose that the whole province yields not a rupee. Yet where there is *land* to resort to, there is a capital that must always exist; and with the whole of a large territory before them, and politically subject to them, it would be ridiculous to pretend that the Company's Government would ever feel any lack either of will or of power, to make up in quantity what the security might want, in present value, and, by the extent of their seizure, to provide for the future repayment, with interest, of any loss incurred at the moment.

But, in truth, the supposition here made, a mo-

ment's reflection will shew to be extravagant. At the period in question, the subsidy, amounting to seventy-six lacks of rupees, was in a regular course of discharge; and that this course could stop *suddenly*, that the revenues of the country could be exhausted, or even approach that state, before a partial arrear should entitle the Company to *enter* on the land, is an idea preposterous in the extreme. Such an expectation could only be justified in the event, either of a complete political revolution in Oude, which under the eyes of a large and (let it be remembered) an *augmented* British army, was morally impossible, or of some mighty convulsion of nature, that should sweep away the resources, the army, and the paymaster together.

The result is, that the British government never could have intended, by the treaty of 1798, to stipulate for any security, before the subsidy promised by the Nabob should actually fall into arrear; unless we believe them to have *said* one thing, and *intended* another. *That*, indeed, would have been a plain and intelligent account of the matter, however little it might consist with the character of the noble personage, by whom the treaty was framed, and to the recollection of whose distinguished honour, equity, and public virtue, in

all his proceedings with respect to Oude, the Nabob must often have recurred with a melancholy satisfaction during the whole of this extraordinary negotiation. But to pretend that the intention thus attempted to be fastened on the treaty, can be extracted from the treaty itself, is to introduce a lax, prevaricating, and arbitrary mode of interpretation, which is disapproved by the dictates of common sense and common feeling, and is calculated to subvert the plainest provisions of the most sacred compacts.

CHAP. III.

The British Government did NOT possess the right of coercive interference in the internal management of the affairs of Oude, at the period of the negotiation which ended in the treaty of Territorial Cession.

BY the expression, “ *coercive interference*” in the affairs of a country, is here to be understood an interference accompanied with *threats*, and rendered effectual by means of *intimidation*. Between such an interference and an interference by way of advice, between admonitions and commands, between persuasion and compulsion, between the strongest simple remonstrance and the weakest serious menace, the distinction is too evident to be overlooked by any but those who have an *interest* in overlooking it, who are not very nice in noticing distinctions, and whose arguments, like their politics, *seldom move in strait lines*.

Lord Teignmouth’s treaty with the Nabob Vizier was understood to leave the Company a full right of advising, persuading, and remonstrating with

his Excellency, on the subject of the internal administration of his country; but to *take from them entirely* all right of threatening, ordering, or forcing their opinion upon him in that particular.

The twelfth article of this treaty provides, that whereas reductions in the public establishments of his Excellency are become necessary,—“ To that
 “ end the said Nabob agrees to consult with the
 “ Company’s Government, and, in concert with
 “ them, devise the proper objects of such reductions, and the best means of effecting them.”

By the seventeenth article, it is stipulated, “ that
 “ the said Nabob shall possess full authority over
 “ his household affairs, hereditary dominions, his
 “ troops, and his subjects.”

In taking from the Company all right of direct interposition in the affairs of Oude, the treaty of 1798 proceeded exactly on the principles of the former treaty, of 1787; and nothing could be easier than to prove, that, in this respect, as in all others, the distinguished persons, by whom those treaties were respectively framed, carefully acted up to them.

The public papers of Lord Cornwallis in the year 1787, seem repeatedly to lay much stress on

the circumstance, that, “the internal administration
 “ of the Vizier’s affairs was left to his exclusive
 “ management.”* The Directors approved his
 Lordship’s treaty; and in their political dispatch,†
 justly observed, that by its provisions, “the inter-
 “ nal Government of the country remained with
 “ the Nabob;” while, at the same time, the Ben-
 gal Government were not “precluded from mak-
 “ ing representations to him on the subject of his
 “ Administration,” “or from proposing such
 “ general arrangements” as they might think proper.

In the year 1793, Lord Cornwallis addressed a
 letter to the Nabob Vizier Asoph ul Dowla,‡
 strongly remonstrating with him on the many abuses
 which prevailed under his system of Government,
 but using at the same time these explicit words :
 “ I have no proposition to suggest to you, varying
 “ in any respect from the conditions in force be-
 “ tween the Company and you; *nor am I actuated*
 “ *by any desire to interfere in your internal affairs.*”

Towards the close of this letter, however, there
 occurs a sentence which requires explanation,
 but which, it may be observed, as to its connexion
 with the subject before us, will be easily explained.

E 3

* O. P. No. 6, p. 3, 9, 12. + O. P. No. 6, p. 13.

‡ O. P. No. 2, p. 11.

Taken by itself, it might be construed into a *threat*, though assuredly a very gentle one, were not such a construction prohibited by the general tenor of all the public papers, both of Lord Cornwallis, and of his friend and successor Lord Teignmouth: “ I have offered my advice (says his Lordship) as
 “ a friend, and flatter myself, that you set that
 “ value on the Company’s friendship that will in-
 “ duce you to listen to their counsels in a manner
 “ that may render unnecessary any other measures
 “ on the part of the Company, for their own security
 “ and defence.” Such language as this, had it occurred in a memorial of the Bengal Government in 1800, might have been justly suspected, as betraying designs of a resort to compulsory measures. If Lord Cornwallis had used it in that view, we could only have supposed that, on a single occasion, he had been hurried into expressions completely inconsistent with the spirit which ruled his whole conduct. But it is not necessary to make this supposition, or to imagine that such designs ever entered into the breast of that upright and illustrious Statesman; both because it must be on all hands allowed, that the Vizier might be guilty of acts (a breach of the treaty, for instance,) which should oblige the Company to employ against him other arms than those of persuasion; and because, in the very sentence preceding that which was here quoted, his Lordship promises, that “ the plan arranged by the late Hyder

“ Beg Khan” (that is, the treaty of 1787,) “ *is, and ever will remain in force.*” Now it is remarkable that, in the beginning of this same letter, Lord Cornwallis details the principal points of this “ arrangement,” and among them explicitly and fully mentions the non-interference of the British Government in the internal administration of Oude.

If any thing else be required on this head, we must refer to another letter of remonstrance,* addressed by Lord Cornwallis to the Vizier, about seven months after the preceding. In this second address, he most distinctly repeats that “ *it is not his wish, nor that of the English Government, to interfere in the internal arrangement of the Vizier’s affairs.*” And though the manifold errors of the Nabob’s Administration are here detailed at great length, and the dreadful evils which would result from the continuance of the system then pursued in Oude, are emphatically pointed out, yet no single sentence can be found in this paper, which the most hardened perverter could construe into the language of intimidation.

The conduct of Lord Teignmouth was similar to that of his predecessor. In a letter to the Bengal Council,† dated Lucknow, 21st of March,

E 4

* O. P. No. 2, p. 13.

† O. P. No. 2, p. 28.

1797, his Lordship, then Sir John Shore, thus writes: "Although I have urged *advice* and *remon-*
strance in strong terms (to the Vizier,) *I have*
ever avoided the language of intimidation."

To those which have been produced, it were easy to add other documents; but the production of them is rendered completely unnecessary, by the opportunity of citing a witness, who on this subject is of the first authority. This is Colonel Scott, whose name has so often appeared in the preceding pages. The following extracts will sufficiently explain themselves.

"The exercise of it (the Resident's interference in the ordinary internal transactions of Government) *does not seem to have been intended by the late Treaty, and is unequivocally disavowed by several declarations to his* (the Nabob Vizier's) *predecessor.*"*

"Though I had from the beginning foreseen the great probability of his Excellency's stipulating for terms that should render a Territorial Cession conclusive against future demands, and that should secure the independent and exclusive exercise of his authority, in the remaining part of his dominions, yet *no argument of validity or utility against a compliance occurred to my mind.*

* O. P. No. 3, p. 15.

*"The last Treaty (1798) conferred on him that power; any partial interference can be of little use; and the security afforded to the Company for their pecuniary demands, seemed to remove the pretence, as well as necessity, for such an interference."**

After reading thus far, we might well wonder from what source the Bengal Government in 1799, professed to derive the right, which they not only actually claimed but also decisively exercised, of a coercive interference in the internal œconomy of Oude. We might wonder; but our wonder will not perhaps be much diminished by hearing their reply to the question. The grounds on which they assume this right appear to have been *two*:

First, the repeated applications of the Vizier himself, for their direct interference in the administration of his affairs; applications, indeed, which he afterwards retracted.

On this ground, the right of direct interference is claimed by the Governor General, in a letter to the secret Committee,† dated the 7th of March, 1800. After stating his intention "to adopt the most effectual measures for the reform of all the branches of his Excellency's internal Government;" his Lordship proceeds: "His Excellency's repeated

* O. P. No. 3, p. 209. † O. P. No. 5, p. 5.

“ earnest applications for my direct interference in
 “ the administration of his affairs, will abundantly
 “ justify the most decided interposition of the Bri-
 “ tish Government in the management of Oude,
 “ whenever the proper period of exercising our
 “ authority shall arrive.”

During the negotiation, the Nabob was frequently* reminded of his former applications for the interference of the Bengal Government, it being doubtless implied, that he could not object to the exercise of a right, which he himself had conferred.

Whether any applications by the Nabob, of the kind described, could be legally considered as barring his right to claim the benefit of that provision of the treaty of 1798, which bestows on him a full “ authority,” over the internal affairs of Oude, let jurists determine. It will, in this place, suffice, to state the form and scope of the applications which he really made for the interposition of his British allies. They are as follow:

“ I therefore recommend it to your Lordship,
 “ to instruct Mr. Lumsden (Resident) to afford
 “ me his effectual aid in establishing my authority
 “ on a new basis, so that with his knowledge and

* O. P. No. 3, p. 244, 187, &c. No 4, p. 9.

“ advice, the retrenchments which I have in view
“ may be effected.”*

“ I now hope from your Lordship’s kindness
“ that you will repeat your orders to the Resident
“ to be aiding and assisting to me in all matters, and
“ that you will be pleased to favour me with an
“ answer to this letter explicitly in those terms,
“ so that I may concert with the Resident the
“ means of removing these embarrassments, and
“ with his assistance carry on the affairs of this
“ place in a manner to produce ease and satisfaction
“ to my mind.”†

Thus it appears, that solicitations on the part
of the Vizier, for the *assistance* of the Company’s
Government, were construed into solicitations for
their *controul*; that a wish to *hear* their advice, was
understood as a promise to *follow* it; and that a
friendly invitation to them to take certain measures
in concert with him, was interpreted as licensing
them to take certain other measures, *without his*
concurrence, and even *against his will*!

To expend even ridicule on such reasonings would
be a wretched waste of time and labour.

But the former applications of the Nabob did
not, it must be confessed, constitute the principal

* O. P. No. 3, p. 2. † O. P. No. 3, p. 9.

ground on which the Bengal Government vindicated their assumption of authority over the domestic policy of Oude. The principal weight of the defence was thrown into another quarter: For,

Secondly; they claimed a *virtual* right of interference in the internal administration of the Vizier's country, founded on the nature of the connection between that country and the dominions of the Company. They talked of the British Government being *virtually pledged* to the Vizier's subjects, and, as it should, appear to various others of the human race; of *virtual engagements* between themselves and his Excellency; and finally, of a *virtual dissolution* of these virtual engagements on the part of his Excellency, which, it is observable, very soon led to an *actual dissolution* of that *actual engagement*, *THE TREATY*, on their own.

Such expressions, in the mouths of those who have an interest in employing them, are, to speak very favourably of them, extremely suspicious. Never, in a single instance, from the foundation of the world, have the *actual rights* of mankind been trampled upon, but this cant of virtual rights has been set up on the other side. Never has the robber or the oppressor existed, who had not the gift of this language. And when we see men thus acting while they are thus professing, breaking unprofitable treaties from principle, driven by a

sense of *virtual duty* to the most lucrative services, and laboriously discharging their *virtual engagements* very much to their own practical benefit; let us be allowed to wonder at so surprising a coincidence of duty and pleasure. Let us be indulged in looking with jealousy on these extraordinary exertions of a virtue, which is, not its own *reward*, but its own *rewarder*.

A familiar illustration will set this matter in a clear point of view. A harmless passenger along a thinly-frequented street, is suddenly seized and dragged to a place of confinement. The agent in this deed, being observed, and questioned respecting the matter, declares himself to have been convinced from certain indubitable symptoms, that the unfortunate man was insane, and pleads a "virtual right" to disqualify insane persons from injuring the community at large. Perhaps, both the fact and the law of the case, would be variously commented on by the spectators. But if the *purse* of the supposed madman was afterwards traced to the pocket of this benefactor of society, and if it was discovered that it had secretly found its way to this retreat, about the same time that its owner openly found his way to Bedlam, then, however ably the mad-doctor might declaim about virtual rights and virtual duties, who that did not deserve

to be placed under his hands, would believe a syllable of his tale?

Such incidents do not occur in England; but in all material particulars, this is exactly the case of the Bengal Government in the dismemberment of Oude. They declaim very ably; but *the purse has been found upon them!* “The political advantages to be derived to the Company from the possession of the Doab,”—“the rendering of the Company’s territories to the Northward, more compact,” by the possession of Azimghur,—“the securing a profit to the Company,” by receiving the ceded territories at their present low valuation,—the “exonerating the British Government from the obligation of maintaining any definite number of troops in Oude,”—all this is the *purse*, and these are its contents. Whatever duty was discharged in this arrangement, that of self-preservation has certainly not been neglected.

BUT sickening as it is, to hear such defences set up for a deed, of which the object must be “open (as the Vizier expressed it) to the comprehension of a child;” let them be treated with a distinction infinitely beyond their deserts; let them be strictly and formally examined at the bar of reason and justice.

The question, then, is not, whether our conquest of Oude, or our connection with that province, *did* not originally confer upon us a right of inspection over the interior œconomy of the Vizier's government; but whether that right, whatever it was, *still* belonged to us, at the period in which the territorial cession was negotiated. This question, it will surely be time enough to answer, as soon as those gentlemen who maintain the affirmative side of it, shall be pleased to resolve another enquiry, of the last moment in this matter, but which does not appear to have assumed, in their eyes, its legitimate importance. It is as follows: *Does a solemn, voluntary treaty, or does it not, impose A PERFECT OBLIGATION on each of the contracting parties? If it does,* we had parted with the right in question by the treaty of 1798. That right, while it was ours, was ours either to renounce or to retain; but we assuredly could not do both; and by the most solemn and formal mode of conveyance which a nation can adopt, we had alienated it from ourselves, and conferred it upon another. With our eyes open to our connection with the province of Oude, and to all the reciprocal rights flowing from such a relation, we executed that treaty. It was the very object of that treaty to ascertain, or to fix, the *terms* of our connection with that province. Unless therefore, in proposing and signing it, we were acting a political farce as wicked as it was dull and useless,

we did NOT in 1800, retain the privilege of exercising authority over the civil administration of the Nabob Vizier, although the power of exercising it, we both retained and found it convenient to exert.

In fact, if *virtual* engagements had been able to accomplish the business of the world, treaties would never have been invented. But mankind have found the necessity of reducing to a determinate form the conditions on which nations associate together; of erecting, in all cases, a common standard of appeal; and of banishing into the haunts of savages alike destitute of the implements of writing and of the principles of law, those unspecified and invisible rights and claims, which are invariably found to be on the side of the strongest.

It seems, however, sometimes to be said by the Bengal Government, that the treaty of 1798, was understood to be qualified by an implied stipulation, guaranteeing its benefits to the Vizier, *only during his good behaviour*. He was expected, it appears, not only to conform to his express engagements, but also to apply himself with assiduity to the augmentation of his revenues, and, as a preliminary measure, to the improvement of the state of his dominions. This argument is repeatedly insinuated in the state-papers of the Bengal Government, relating to

Oude; although in the vague and indefinite manner usual in those papers, which, with all their dexterity, uniformly exhibit the art rather of a declaimer, than of a sophist, and are better calculated to *confound* than to *mislead*.

The framers of the treaty of 1798 certainly hoped, and perhaps expected, that the present Vizier would effect very considerable reforms in the civil condition of Oude. By this expectation, it is possible that they were encouraged to leave him the "full authority over his household affairs, hereditary dominions, troops, and subjects." The donation however was *full*, and therefore, like other donations, for *better, for worse*; like other donations, it included the risk of abuse; and it is now found, that the framers of the treaty under-taken this risk, still by what rule of logic or of morality does it follow that our free gift should be resumed by an act of power? We have ~~seen~~ like other contractors upon hazard, acted on a reasonable probability, and like others, must be content to submit if we have miscalculated the chances in our own favour. Even had the treaty been granted to the Vizier, on a verbal promise from his Excellency of reforming the system of administration established in his dominions; still, the promise not being recorded as an article of the contract, the performance of it

must have been left to his own honour and conscience, and if neglected, could hardly have been enforced by coercion.

By the twelfth article of Lord Teignmouth's treaty, "the Nabob agrees to *consult with* the "Company's Government, and *in concert with* "them devise" some reduction of his stated expenditure. It is astonishing that the Company's Government should have made no attempt to extend from this article, an argument in favour of their claim of coercive interference in the Nabob's Government, considering that such an argument would have been *quite as bad* as those which they have been at the pains of employing on that service.

One consideration should be here added, which seems conclusive. Wherever we are to look for this *virtual stipulation* by which the Nabob, on pain of being treated as an enemy, was to improve the declining finances of his country, an *express stipulation* the treaty certainly contains, which recognises the possibility of a still further declension of those finances, without providing in that event any such violent remedy. This is in the eleventh article; which reserves to the Company a right of demanding security for their claims on the Nabob, whenever the Kists should through necessity fall into arrear, but does not hint that, in such a case,

the whole covenant was to be dissolved, or the civil authority of the Nabob to be transferred into the Company's hands.

This question, therefore, must be considered as decided; but there is yet another, which grows out of our subject, and which may be thought, perhaps, materially to affect it: Do not *extreme cases* sometimes occur, which seem to justify a momentary deviation from the ordinary maxims of *obligation* and *right*, and to force themselves, by their singularity, out of the pale of general rules? In such cases, when the lives or the happiness of millions are in danger, may not power be successfully employed to struggle against power, and law and equity be for a moment left out of view?

It is infinitely easier to answer this question in its application to the subject before us, than to solve it as a general problem. Undeniably, a situation of things may be feigned, which shall stagger the nicest casuist; and instances may be quoted of a happy departure from common rules, which find their warrant in the feelings, rather than in the judgment of mankind, and leave us in doubt, whether to applaud or to forgive. That the situation of Oude, however, was not of the singular kind here supposed, it can scarcely require grave rea-

soning to establish ; yet, as it is never unseasonable to enforce important truths, and as a tendency to resolve ordinary occasions into extraordinary emergencies cannot be too strongly discountenanced, a very few words may be permitted on this topic.

Those who attribute to necessity a power of relaxing the controul of general rules, should recollect that this, like many other powers, derives its efficacy, if it has any, from being but sparingly exercised ; for if it be true that a *crisis* of nature demands and justifies a desperate remedy, yet it is not to be endured that desperate remedies should be applied in any case, short of an exigency that menaces the instant and utter dissolution of society. The laws of religion and morality, the dictates of good faith and justice, are, it should be remembered, universal and immortal ; and, although the *application* of them to the intricate and complicated concerns of politics is sometimes difficult, it is seldom indeed, if ever, that an instance occurs, in which any man, who attempts to apply them fairly, will be completely perplexed. After all, *new cases* are extremely rare in the world. It is true that, as the rules in question are in themselves simple, the statesman will find that, however easy it may be to use them in common life, he cannot avail himself of them with the same facility

in the more arduous navigation of public affairs; he has to allow for some *variation* (if the expression may be permitted) in making use of them; but when does he wander into these distant latitudes, where they are said entirely to *lose their polarity*? It may be added that, in a view of utility alone, the *certainty* of general rules is of far more consequence to the world, than any advantages which can be derived from an occasional disparagement of their authority.

But it must also be considered, that although the necessity resulting from the extreme cases spoken of, occurs but seldom, yet it is very frequently, and very easily, made "the tyrant's plea" for every enormity. Who can be ignorant that *virtual rights* have ever formed the favourite chapter of rights with the perpetrators of the most atrocious wrongs; and that, like the demons and fairies of dramatists, they have been introduced to help out every deep and dreadful plot, which was found to baffle the strength of material agents?

Nothing, therefore, short of the very last extremity, will, even on the loosest system of political justice, sanction usurpation. A violent interposition in the concerns of an independent nation, especially on the part of those who have guar-

ranted its independence, is justified, not by the prospect, however threatening, of its contingent, but only by the certainty of its immediate destruction. In this case alone, if even in this case, does any foreign power acquire *the right of coercive interference* in its affairs.

It will surely not be pretended that this was the case of Oude during the transactions which it is the object of these pages to review. Many and great abuses prevailed in the system of the Nabob's Government; but still it was a system. The revenues were realized with difficulty; but yet they must have been considerable, when the enormous amount of the subsidy did not occasion any failure in the stated payments. The Nabob (the Bengal Government are pleased to inform us) was cruelly and tyrannically disposed; but the chief evidence upon which they have thus stooped to blacken this prince's character, consists, not of *facts*, but of *intentions*, presumed and surmised from the noted *paper of requests*;* and farther, this paper, if it be allowed to prove that his Excellency's intentions were tyrannical, proves also that he did not presume to accomplish those tyrannical intentions, without the license of the British Government. The pretence of a right to interpose by violence under such circumstances, is not to be

borne. If the prevalence of abuses in a Government must expose it to the interference of every state which happens to be better governed, the independence of nations and the tranquillity of the world are at an end. England might then assume the right, which France has assumed (and assumed, let it be observed, on the very same plea,) that of reforming every state by force, which could not by force defend its liberties and its abuses.

This argument, however, in favour of *the right of coercive interference* assumes a shape somewhat more plausible, when it is made to include the consideration of the entire dependence of the Nabob Vizier upon the support of the British. If we uphold his authority, it is contended, we are responsible for his abuse of it. “The authority
“ of the Nabob of Oude was sustained exclusively
“ by his connection with the Company’s Govern-
“ ment, and the reputation and honour of the
“ British Nation in India were deeply involved in
“ the operation of that authority on the welfare
“ and happiness of those countries over which it
“ was upholden by the terror of our name, or
“ exercised by the immediate force of our arms.”

The most curious feature of this regard for "the reputation and honour of the British Nation," is, that it opens a most convenient road to the extension of the British empire. We have only to volunteer our military aid in firmly establishing the authority of a foreign Government, and then, when the authority thus established, is oppressively exercised, not to abandon it to itself, but to make it our own. We tempt a prince to abuse his power, and when he actually abuses it, take from him, not the *temptation*, but the *power* itself. Three Princes, at least, (falsely called "independent,") of Hindostan, have, within these few years, been sacrificed to this device of making our armies purvey to our civil authority, this ingenious mode of political conveyance, which resembles a legal *lease and release* in every thing but its legality. They accepted our support, but they were little able to estimate the tenderness of a British conscience, which having exposed the subjects to oppression out of pity to the sovereign, would soon oppress the sovereign out of pity to the subjects. And if this system should continue, it may fairly be prophesied that the Peishwa, who is now in the happy *middle state* of military protection (somewhat like the luxurious confinement of animals while they are *fattening*) will become the next victim to our virtue and his own folly.

To shake this mock-humanity into dust, and scatter it to all the winds of heaven, it will be requisite to state only three or four considerations, which, without any labour of research, must instantly occur to every honest and reflecting mind.

1. A simple political connection, formed for innocent purposes, and not leading to crimes, does not render the contracting parties mutually responsible for any criminal acts, which separately and on occasions not connected with the objects of the contract, either of them may commit.

Our connection with Oude was simply political; nor will it be denied to have been formed for innocent purposes, and to have been consistent with the welfare of that province. It did not lead us to the commission of any criminal or tyrannical act; for, as Colonel Scott himself informs* us, both the interference of the Resident, and that of the British military, in aid of the Vizier's measures, were always confined to such objects and such modes as, in the Resident's opinion, seemed just and proper. If, however, an authority in itself legitimate, and thus legitimately supported, was misemployed by the Vizier, if his system of administration was bad, and even oppressive, does it follow that our compacts with him were void? Let the consequences of the

* O. P. No. 3, p. 21. 38, &c.

principle from which such an opinion proceeds, be considered. The world is so constituted, that the good and the bad must often associate together for the furtherance of common objects; but because the bad are thus, in a measure, *supported*, because their power of doing mischief is, with themselves, continued, is no faith to be kept with them? Because heresy is an evil, is there to be no faith with hereticks? Because England has, more than once, preserved the Port from the *swallow* of some continental power, is England chargeable with all the defects of the Turkish Government, confessedly one of the most vicious in the world? Because Russia supports the English cause in Europe, does the Russian Government share with us the guilt of infringing treaties and revolutionising states in the East?

But some limits, it may be suggested, are also to be placed on the other side. For may not a government be conceived, so flagitious and reprobate, so cruel and grinding to the subject, that any support of it, however indirect, for any purpose however laudable, and under the obligation of any promise, however solemn, would be highly criminal? This brings us back to the doctrine of *extreme cases*; and to apply that doctrine in the present instance we may observe,

2dly. That a covenanted connection with the sovereign of a country, if it be in itself innocent, ought not to be abandoned, where it is not evident, that, in consequence of such connection, the condition of the inhabitants of that country is considerably worse than it would have been, if the connection had never been formed.

This is manifestly the true point of comparison. Our virtual engagements with the inhabitants of Oude could, at the most, extend no farther than this, that they should not be clear sufferers by our connection with the Vizier; and if, in any case, this virtual engagement with the people could destroy our literal engagements with their master, (a point on which nothing is here either affirmed or denied,) nothing short of an *extreme case* could produce such an effect. The misery resulting to the people, from our alliance, must be palpable and very considerable, before an alliance solemnly stipulated, is to be dissolved. This proposition will at once carry conviction to those genuine philanthropists, who know that the *feelings* of the human heart are seldom useful to mankind, excepting when they are under the discipline of *principles*; that one of the greatest safeguards of civilised society, is THE SANCTITY OF TREATIES; and that justice is no less important to the world than benevolence.

3dly. It is next necessary to remark, that we have no reason to presume that the inhabitants of Oude were, on the whole, sufferers by our connection with the Vizier; but rather the reverse.

•

This assertion cannot with plausibility be denied, when it is considered that Saadut Ally, the present Vizier, is the legitimate heir to the family whom we found on the Musnud of Oude; and that the British power has preserved that province from the rapacity of foreign invaders, and has also (if the Bengal Government are to be believed) withheld the Vizier from acts of tyrannical violence. But to silence all doubt on the subject, the confession of an adversary may be produced:

“ *Had your Excellency’s territories been subject to*
 “ *the frequent or occasional devastations of the enemy;*
 “ *had they been visited by unfavourable seasons,*
 “ *or by other calamities which impair the public*
 “ *prosperity, the rapid decline of your Revenues*
 “ *might have been imputable to other causes than*
 “ *evil Administration; but, under the favour of*
 “ *Providence, no such visitations have afflicted the*
 “ *provinces of Oude, while the powerful protection*
 “ *of the British forces has maintained your Excel-*
 “ *lency’s dominions, together with all the Com-*
 “ *pany’s possessions in this quarter of India, secure*

“ *from the ravages of war, in the enjoyment of*
 “ *undisturbed tranquillity and peace.*”*

Whatever use the author of this passage has made of it, it seems no strained inference from it to say, that, in the opinion of the Bengal Government, the British power had preserved Oude from calamities, from which its inhabitants might have been expected to suffer as severely as they actually suffered from the mal-administration of the Nabob. This is, at all events, clear beyond contradiction, that the state of that country was not *palpably and greatly* the worse for the alliance with the Company, and of course, that the supposed necessity of infringing the terms of that alliance, out of pure consideration for the Vizier's subjects, is wholly inadmissible. It will afterwards be considered how far, if, in consequence of our own support of the Vizier, it really did become necessary to restrict his liberty, we were entitled to *take advantage of our own wrong* in immensely profiting, as we did, by such an occasion.

The observations which have been made, refer to the manner in which the Bengal Government deduce their pretended right of *coercive* interference in the affairs of Oude, from the virtual obligation imposed on them by their connection with that

* The Governor General to the Vizier, O. P. No. 3, p. 150.

province, of consulting the happiness of the people. There was yet another process of reasoning, by which the same right was derived from the same connection; but this shall be submitted to the reader without any remarks; whether because it does not suggest, or does not require them, let himself be the judge.

The passage, in which this process of reasoning is detailed, bears this distinctive mark, that, in penning it, the Bengal Government, apparently abandoning those *tours d' adresse* to which, with whatever success, they generally resort in their state-arguments, have descended to that plainness of speech, which the mighty sometimes deign to employ; when they wish to say what is unanswerable. It is given as follows :

“ The right of the Company to secure the British Interests in the province of Oude, must be considered as the fundamental principle of every arrangement. It is the bond of connection between the dominions of the Company and those of his Excellency, and exists independently of his Excellency’s will. The inference to be drawn from this undeniable position is, that the British Government would be justified in pursuing the measures necessary for the security of those interests, not only without his Excellency’s con-

*“ sent, but even in opposition to his endeavours to
“ counteract them.”**

When it is considered that the above passage is intended to justify an interference, confessedly contrary to the treaty of 1798, in the Vizier's affairs, what is this but an assertion, almost in so many words, of a right to break treaties, whenever it is found inconvenient to keep them? What a child in politics was that writer, who described a good man as one THAT SWEARETH TO HIS HURT, AND CHANGETH NOT!

* O. P. No. 4, p. 16.

CHAP. IV.

On the manner in which the Bengal Government exercised those two supposed rights, which have been treated of in the two preceding chapters.

IF, for the sake of argument, it be allowed that the Company's Government possessed, in full, the two rights, which have formed the subjects of the two last chapters, still the Nabob Vizier had unquestionably on his part, a right, not indeed by treaty, but *morally*, to expect that the Company's Government should exercise those two rights with moderation.

Whether or not the right here claimed for the Vizier, in the case supposed, should be called a *virtual* right, is of little consequence. Lest, however, the assertion of such a right, in this place, should be thought inconsistent with the denial, in the last chapter, of the many virtual rights claimed by the Bengal Government, it is proper to mention the radical distinction between the two cases. The virtual rights affected by the Bengal Government, were placed by that Government on a par with *legal* rights. It was thought

lawful to enforce them by threats and violence, and in fact they were so enforced. The right here asserted for the Vizier is of a nature entirely different; it is, by the supposition, a right, the violation of which cannot be resisted; in maintaining such a right, threats and violence *ought not* to be used, even if they could be used with effect; it is a right only in the eyes of conscience, humanity, reason, and religion. The distinction, then, between these two kinds of right, is the same as the distinction, inaccurate, perhaps, but perfectly intelligible, which popular use makes between the terms *law* and *equity*.

If it be true that, by the treaty or other agreements between the Company and the Vizier, the Company's Government possessed the right, which they claimed, of exacting from the Vizier a security for the subsidy, before his payments should fall into arrear; but still more, if it be true that they also possessed the right of a discretionary interference in the disposition of his internal affairs; it is clear that those agreements left his Excellency entirely at our mercy. The compacts between the two states approached, in this case, very nearly to the nature of a *naked compact*, which sets all the rights on one side, and all the obligations on the other. The treaty of 1798, with all its provisions, could

then be regarded only as a paper announcing the unconditional surrender of the Vizier to the Company. On such a supposition, to talk to a being so entirely dependant upon us, of our *not having violated his rights*, would be mockery; he had, in this sense, no rights; he had thrown them all, with himself, into the arms of British honour and generosity. To boast of our having *kept our treaty* with him, would be a shocking compound of meanness, insolence, and cruelty; the treaty could not *but* be kept; for it gave us every thing.

Under such circumstances, then, it is not enough to say that *we stay here on our bond*. Our very superiority imposes on us an obligation not less sacred, though under other sanctions, than the obligations which laws or treaties create, and penalties or wars enforce;—the obligation to be temperate in the exertion of our power over a being that lives only on our breath, and to watch over all his interests with the beating heart of a parent.

This obligation, at least, was imposed on the Bengal Government, with respect to the Vizier of Oude; and has it been fulfilled? Granting them to have possessed the rights, which have been so often mentioned, have their rights been exercised in a spirit of equity?

A *negative*, and a *strong negative* indeed, is the answer to be given to these questions ; as the present chapter (which does not, however, pretend to exhaust the subject) is intended to prove. The propositions to be here maintained, are the three following :

1. The state of Oude in 1799, was not such as to justify the exercise of either of the two rights in question.

2. Since, by the treaty of 1801, the Company's Government secure to themselves an efficient controul over the civil administration of Oude, the demand of any farther security for the payment of the subsidy was unnecessary and unjust.

3. Supposing it to have been just and necessary at the period in question, to exact a security for the future payment of the subsidy, the security actually exacted, was far greater than such as, in equity, ought to have satisfied the Bengal Government.

1. The first point to be established, is, that *The state of Oude in 1799, was not such as to justify the exercise of the two rights in question.*

It will at once be perceived, that the proof of this proposition has been, in some measure, anticipated in the two preceding chapters. Indeed, so far as the *right of interference* is supposed to be founded on *the extremity of the case*, it is, in strictness, possible to discriminate between the possession of that right, and the equitable discharge of it. The right, only accruing in the moment of evident and palpable necessity, cannot exist when it cannot be equitably exercised. In fact, its birth can only take place amidst a convulsion of society, so terrible, as to suspend all positive law, and to leave equity the sole governor. But so far as a discretionary right of interference is grounded on some agreement, either express or justified by fair construction, between the two parties, it may easily be exercised legally, or in such a way as not to authorize resistance to the exercise of it, while yet it is exercised with a severity which would shock all the well-born and the well-principled part of mankind.

It would be superfluous here to re-state the considerations formerly suggested, as favouring the idea that the Vizier's government, with all its abuses (and they are confessed to be great) was not so detestable as it appears in the representations of those who had evident reasons for exhibiting it in the darkest colours possible. A single fact

may be here mentioned, as tending to confirm this account of the matter. The total of the Jumma at which the provinces were ceded to the Company, was *one Crore and thirty-five Lacks* of Rupees; whereas the Mofusul Jumma, for the very first year after these provinces came into the hands of the Company, is stated at *one Crore and nearly fifty-seven Lacks*. So great an increase of the revenue within so short a period, can only be accounted for on the supposition, that the produce of the soil had been carelessly collected under the Vizier, while it was, in reality, greater than it appeared.

But if it be true, that the condition of Oude, under the administration of Saadut Ally, was as deplorable as it appears in the state papers of the Government of Calcutta, still this, at least, must be allowed, that every method should have been put in practice to persuade the Vizier to a reform of his administration, before threats and force were employed for that purpose. Here appears to have been the crying sin of the Bengal Government. Although they did not commence the negotiation in the style of menace, yet from the very first, they seem to have discovered a spirit so far from conciliating, such a disposition to dictate, and after no long interval, such a determination to profit at the expence of the Vizier, that his pride

was roused, and all his feelings disgusted. It is in vain to pretend that he could not be persuaded to ameliorate the state of his dominions. The experiment was never tried. Words, in themselves, simply persuasive, may easily be uttered in a tone of command, and with a look of defiance. The measures pursued, and the general deportment adopted by the Bengal Government, with respect to the Vizier, while they yet confined themselves to the language of advice and remonstrance, were of the most harsh and offensive kind. The haughty project of compelling him to annihilate his own military establishment, by glutting, unnecessarily, the country with British troops, which he was obliged to pay,—the eager attempts to convert his plan of abdication in favour of his Son, into an entire surrender of his power to the Company,—these two proceedings were so indecent, and betrayed a disposition in the British Government so ambitious, so grasping, and so insolent, that even had nothing else occurred of the same kind, a negotiation thus ushered upon the tapis, could never have been expected to arrive at a favourable issue.

The Vizier found his authority despised by his more opulent Aumils, the British subsidy perpetually eating into his treasury, and his armies inefficient in the field, and dangerous only in the camp.

In such a case, he had every reason to wish for a reform. His interested passions, not only those of that enlarged kind, which are generally found to move under the same parallel with the dictates of duty, but those meaner and more selfish feelings whose field of view is bounded by the moment, must all have been enlisted on this side. In effect, there is no doubt that he did wish for a reform; and, if this disposition had been properly and honourably encouraged, where on the face of the earth is there a shadow of proof, that a pacific reform, and a reform with his concurrence, might not have been accomplished?

2. The proposition next to be proved, is, that *since, by the treaty of 1801, the Company's Government secured to themselves an efficient controul over the civil administration of Oude, the demand of any farther security for the payment of the subsidy was unnecessary and unjust.*

This proposition is so evident, that it should seem hardly possible for any detail to render it clearer. The territorial security for the payment of the subsidy was avowedly demanded on the assumption, that the revenues of Oude would progressively decline till they should be exhausted. The declension of the revenues could go on, only

upon the supposition, that the mal-administration of the Nabob, to which they were attributed, should continue. Now it happens, that by the very treaty which gave this territorial security to the British, an effectual provision was made against the continuance of the mal-administration of the Vizier, by securing to us a full controul over his Excellency's Government. But was not this, of itself, an ample security against the failure of his stipulated payments? Could any ampler security be desired, than our usurping, which in effect we did, a plenary controul over the fund out of which those payments were to proceed? And what then shall we say to that provident ambition which, in addition to a security so ample, exacted the farther security of half the Vizier's paternal dominions in perpetual sovereignty? Or who can hear of such an exaction, without experiencing a separate wound in every honourable and virtuous feeling of his heart? Surely, if extortion ever visited the earth in the shape of a treaty, it was in that of the treaty of territorial cession, between the Company's Government and the Nabob Vizier!

To palliate this act, one shift may possibly be resorted to, which, although it would be but a shift, should, perhaps, be noticed. The territorial cession may be vindicated on the ground, not of the apprehended failure of the revenues of Oude,

but of that *discretionary right of interference* which has been mentioned. If the existence of such a right be supposed, and on that supposition the present chapter proceeds, then, it may be argued, the Bengal Government had a right to appropriate to themselves the whole of the Vizier's dominions; and in seizing but the half of them, and contenting themselves with more definitely establishing their privilege of inspection over the remainder, they evinced a very enviable spirit of moderation. On this point something shall be said hereafter; if, indeed, it be necessary to say one syllable farther than this, that the question is not now, whether this right of interference existed, but whether, conceding its existence, it was *equitably exercised*. Should any man seriously maintain the *equity* of an interference, of which the very first object was forever to despoil the Vizier of half his dominions, either his understanding or his heart must be of a very singular construction. No; this shift would not avail the Bengal Government: nothing can extenuate the mingled absurdity and injustice of compelling the Vizier to insure us against the evil consequences of a calamity, the occurrence of which we were, by the very same act, rendering forever impossible.

3. The *third* proposition to be proved is, that *supposing it just and necessary, at the period in ques-*

tion, to exact a farther security for the payment of the subsidy, the security actually exacted was far ampler than such as, in equity, ought to have satisfied the Bengal Government.

And here, it will be allowed by all parties that there is but one principle, on which such a security can be equitably regulated: whether it be considered as a remuneration, as an insurance, or as a remedy, it ought to be exactly commensurate with the service performed, with the danger apprehended, with the evil to be remedied. Now, on this principle, it is plain enough that, for the periodical payment of a stated sum, a conditional occupation of territory (in the nature of a mortgage) would have been a greatly more equitable security, than the assignment of a large tract of territory in perpetual sovereignty; but without particularly adverting to this point, it will be easy to shew that the quantum of lands, seized by us in Oude, was extravagantly great; probably twice as great, at least, as it ought to have been.

This will appear, if it can be proved,

First, that the number of the British forces, which the Bengal Government of 1801, computed it to be necessary to station permanently in Oude, was immoderately great.

Secondly, that although the treaty was actually founded on this computation, and the amount of the ceded lands was professedly regulated by it, yet in truth the Bengal Government did not, when they framed the treaty, intend to station permanently in Oude the number of forces requisite by their own computation.

Thirdly, that notwithstanding all this, the quantum of territory seized was large enough to maintain, not only the computed number of forces, but a much greater number.

First, it is to be proved that the computation of the number of troops to be stationed permanently in Oude, was excessive.

It will surely not be thought an act of hostility towards the Bengal Government, but perhaps rather the reverse, to open this part of the subject with proving, that this Government was under a sore temptation to over-rate the number of troops necessary for the purpose in question. When Lord Wellesley first projected the augmentation, or rather *duplication*, of the British forces in Oude, he wrote thus to the secret Committee, on the 25th of January 1800.* “Of the measures now in progress in Oude, I shall at present say no more.

*O. P. No. 5, p. 4.

“ than that they are calculated to secure the ex-
 “ ternal defence and internal tranquillity of his
 “ Excellency’s territories, *to reduce your military*
 “ *expence by transferring the charge of a very large*
 “ *body of your troops to the funds of the Nabil*
 “ *Vizier, &c. &c.*

From this extract and some others of the same
 complexion, we find somewhat curiously that, be-
 sides the “ necessity” imposed on the British Go-
 vernment of “ defending the Nabob against all
 “ enemies,” and the consequent imperious obliga-
 tion of overrunning his Excellency’s dominions with
 troops, which his Excellency was obliged to main-
 tain, there was another sort of necessity, concur-
 rently at work in this business,—*the necessity of*
relieving the embarrassed state of the Company’s
finances !

But let us now see the principle on which the
 Bengal Government ostensibly computed the mag-
 nitude of the military force which it was *necessary*
 to station in Oude.

“ It might not (says the Governor General,
 “ addressing the Nabob Vizier in November
 “ 1799) be in the power of the British Government
 “ on a sudden emergency to re-inforce the troops
 “ in your Excellency’s country with sufficient

“ expedition ; my firm opinion therefore is, that the
 “ Company can in no other manner fulfil effectually
 “ their engagement to ‘ defend the dominions of your
 “ ‘ Exceliency against all enemies,’ than by maintain-
 “ ing constantly in those dominions such a force as
 “ shall at all times be adequate to your effectual
 “ protection, independently of any reinforcements
 “ which the exigency might otherwise require, but
 “ which might not be disposeable in proper
 “ season.”

On this principle the proposal of augmenting the
 British force in Oude was originally grounded, and
 by this, the quantum of territorial cession was
 afterwards regulated. And never surely was broach-
 ed a principle more extravagant ! That we should
 be on our guard against remote contingencies is
 wise ; but who, that is permitted to be at large
 in the world, ever thinks of being *as much* on his
 guard against every possible danger, however re-
 mote, as if he knew it to be instantly impending
 over his head ? By this rule, all the probabilities
 on which common sense is content to act are sub-
 verted. By this rule, every man ought to sit up
 in his house every night ; for he would certainly do
 so on any particular night when he knew it to be
 threatened by robbers. By this rule, no state could
 ever reduce its armies to a peace establishment.
 But what should we think of such a policy ?

Europe? We, who are apt to imagine that peace in the armour of war, is scarcely any peace at all; that the blessings of a diminished expenditure fully outweigh a remote risk of surprise; that an invading army of men does not come upon a country, like an invading army of locusts, *with an east wind in one night*; that, by the constitution of things the force of an attack bears a fixed proportion to the magnitude, and in a great degree to the notoriety also, of the preparations preceding it?

And what then is the difference between the case of an European state and that of Oude? Simply this; that an European state is forced to *pay* the armies which it raises, and is therefore not likely to overstock its military establishment; while in the case of Oude, the *British Government* recruited, and the *Nabob* was compelled to pay! Nothing would be easier than to shew, from a review of the state of Hindostan at the period under contemplation, that the occurrence of a crisis in which the *British Government* should have found it impossible to detach as many forces to Oude as might be requisite for its defence, was utterly improbable; more especially as Tippoo had, before this period, been destroyed. But such a review would be superfluous; and in place of it, it will suffice to advert to about as strong a case as can fairly be put—the actual march of Zemaun Shah to invade

Oude, during the very year before that in which the permanent increase of the Oude army was proposed. The Shah's preparations were immense; and his progress (as Sir James Craig mentions,*) extremely rapid. At that time Tippoo was alive and indeed was the instigator of this invasion; and the native troops of the Nabob Vizier (so the Oude papers inform us) were not only useless but dangerous to their own party. On this emergency the British Government of course bestirred themselves, and with such success that M^rquis Wellesley says in a letter to the † Directors, "I have the satisfaction to inform you, that every possible precaution has been taken for the effectual defence of the frontiers of Oude."—After all, they diverted the coming storm by a little coarse negotiation with the King of Persia, who appearing in arms on Zemaun's frontier, recalled that Prince to the defence of his own dominions; yet to prevent the renewal of an alarm so easily hushed, the British force in Oude was proposed to be permanently augmented; the faith of treaties was, to say the best, strained without limit; a virtual right of interference in the Nabob's administration was set up; and finally the memorable treaty of territorial cession was forced upon him, and his most valuable provinces were extorted from him in perpetual sovereignty. But this treaty is hardly con-

* O. P. No. 2, p. 35.

† O. P. No. 6, p. 3.

cluded, when accounts arrive in Hindostan, that Zemaun Shah, this *permanent* enemy, has perished, and that his dominions have fallen into confusion !

But in another view also, the estimate of the forces permanently required in Oude, was excessive. For the introduction of our troops into that country, one alledged cause was, the securing of its *internal tranquillity*, which, according to the loud and reiterated representations of the Bengal Government, was perpetually endangered, partly by the Nabob's useless and dangerous native troops, partly by the discontent which his vicious system of administration is said every where to have diffused. Now since by the operation of the treaty, both these evils were avowedly corrected, it seems rather hard that the quantum of military force computed to be requisite before the conclusion of the treaty should be erected into a standard for all future times. What is still more curious, not only was no abatement made on the principle just mentioned ; but the task of regulating the police of the Nabob's reserved territories, a task which the British Government insisted on undertaking, was itself made the ground of a farther charge upon his Excellency's treasury. Is not this something wonderfully like a *double entry* of the same item into the same account ?

It has now been proved that the British estimate

of the forces permanently requisite in Oude, which estimate regulated the amount of the territorial cession, was inordinately great. Had the territorial cession never taken place, or had territory been ceded only *on condition* of the actual presence, in Oude, of the estimated number of British troops, there can be little doubt that the full complement of troops would have been there stationed. But here another scene of this extraordinary negotiation opens: for no sooner was the territorial cession agitated, than it was found convenient to liberate the Company's Government from the necessity of maintaining any given number of forces, either in the ceded or reserved territories, excepting the detachment attached to his Excellency's person.

Secondly then, we may remark that although the amount of the ceded lands was professedly regulated by the computation, which the Bengal Government had previously made, of the number of forces required as a permanent garrison in the province of Oude, yet they did not, in framing the treaty, intend permanently to station there the number so computed.

It must, indeed, seem a circumstance not a little suspicious, that whereas former treaties had bound the Company to maintain a *specific* amount

of British force in Oude, the treaty of 1801 only bound them *generally* to the defence of the Vizier's dominions. The difference was not accidental, for Colonel Scott received express orders to controul the new treaty with this variation.* Yet it might have been thought that the British Government, although not making the number of troops a matter of stipulation, retained their opinion of the necessity of keeping up the computed number somewhere, either in the ceded or reserved territories, and intended to act upon it. What shall we think, then, of the following sentence, which occurs in the Governor General's account† of “the *leading advantages*” of the treaty of 1801?

“ The operation of this treaty exonerates the
 “ British Government from the obligation of
 “ maintaining any definite or specified number of
 “ troops in the province of Oude, the Company
 “ being charged with the general defence of the
 “ Vizier's dominions, and being relieved from all
 “ special engagements with regard to the descrip-
 “ tion or amount of the force to be employed for
 “ that purpose.”

Now this “leading advantage,” could be advantage, only on the supposition that the Company's Government could make use of it ; that is,

* O. P. No. 3, p. 224.

+ O. P. No. 4, p. 14.

that they would not find it necessary always to keep in Oude as many forces as the revenue of the ceded territory would enable them to pay. How, indeed, this could be the case, when (as we learn from a passage above quoted) it was the Governor General's "firm opinion, that the Company *could in no other manner* fulfil effectually their engagement to "defend" the Vizier's dominions, "than by maintaining *constantly* in those dominions such a force "as should, *at all times*, be adequate to their effectual protection;"—how the relief from a *special* engagement could be any advantage, if the *general* engagement "to defend his Excellency's dominions" equally bound the Company to "maintain *constantly*" the computed number of troops in Oude; how, in short, the same thing could be necessary and not necessary;—those can, perhaps, best explain, who are so loud in their reproaches of "the *false and artful* character of the Vizier."

Nothing more seems necessary to shew that the computation, by which the amount of the territorial cession was professedly adjusted, was extremely strained. It now remains to be proved,

Thirdly, that, strained as this computation was, the territory seized was large enough to maintain a much greater than the computed number of forces.

This will appear at once, when it is remarked that, though the ceded territories were, on the whole, confessed to be much impoverished, yet they were adequate, even in this impoverished and, therefore, improveable state, to cover the charges of the whole computed force, together with the expence of collections. The Vizier remonstrated against such an arrangement, requesting that the lands should be received at an ancient Jumma; but on this point, the Bengal Government was inflexible, declaring that a compliance with his Excellency's request would be "entirely subversive of the fundamental principles of the Territorial Cession."*

The reasoning by which the exaction of the lands at their Jumma was vindicated, amounted to this: that, as the improvement of those lands would be effected entirely by the regulations of the British Government, the British Government was entitled to all the consequent increase of revenue.† It is difficult to believe that in a grave state-paper, and with all the solemnity of official declaration, an argument like this should be maintained, of which the meanest hawker of wares in the streets practically shews the fallacy. For is it to be endured, that the price of an article should be regulated *merely* by the use which is made of it by the seller?

* O. P. No. 3, p. 210. † O. P. No. 3, p. 167, &c.

Is it to be endured, that the *improveableness* of an estate is to go for nothing in its exchangeable value? According to this equitable rule, a house which happens to stand unoccupied, ought literally to *fetch no price* whatever in the market; and had the Vizier possessed a whole tract of the finest country in an uncultivated state, the Bengal Government would have had a right to seize it, without making him any remuneration at all!

Surely the rule of equity would have been, to receive the lands at a rate somewhere between their reduced and their possible value; instead of this, the Bengal Government began, in the very first year, to gain immensely by this forced bargain; the increase of the revenue will proceed, the Oude papers inform us, with accelerated velocity;* and Mr. Henry Wellesley states it as his confident expectation,† that “the land revenue of these provinces, when fully cultivated, will amount to “two crores and fifty lacks of rupees.” At that period, it is perfectly possible, as far as the treaty of 1801 is concerned, that, with the exception of

H. S

* This is given on the authority of the negotiators of the cession. They admit, however, that the increase here spoken of has been impeded, but ascribe this effect to the temporary pressure of a drought.

† Q. P. No. 1, p. 36.

the detachment attached to the Vizier's person, there may not be stationed a single British soldier or sepoy throughout the whole extent of Oude, while the Company will be in the annual receipt of a subsidy which would be adequate to maintain *twice as large* a force as, by their own extravagant computation, they estimated to be *permanently* required in that province. It would be easier to call up battalions from the earth with a stamp of the foot, than to vindicate such an arrangement as this, in the eyes of equity, honour, and humanity.

It is presumed that the considerations which have now been offered on the subject of the territorial security sufficiently prove the security to have been far ampler than, at the very worst, the case required; and when it is remembered that, as has been already shewn, *no* territorial security at all was necessary, some data are gained, by which the gigantic spoliation, calling itself a territorial cession, may be measured.

But the argument may be here repeated, that this measure is to be justified on the right possessed by the Company's Government to interfere decisively in the affairs of Oude, for the security of the British interests in that country, and for the happiness of the inhabitants. In addition to what was formerly said respecting the futility of such an

argument, we may observe that the British interests, it has been just now demonstrated, did not require such an interposition; and that, as far as the happiness of the inhabitants was the motive of our interference, that interference should have been *disinterested*. We ought to have gained nothing by it but a simple reimbursement of the few expences to which it exposed us. But the issue of this humane concern to assist the Vizier's subjects, makes it manifest that the Bengal Government liked the *pay* better than the *service*, and the *perquisites* better than either.

It must farther be remarked, that if the right of interference is derived from the necessity to which we had reduced ourselves, by our own act, in firmly establishing the Vizier's authority, and thus lifting him above all apprehensions of his subjects; in this case our interference ought to have been doubly *disinterested*. Strict equity would, perhaps, under such circumstances, enjoin us to rectify the mischiefs which we had occasioned, entirely at our *own* expence; but assuredly, that we should, at least, *not be gainers by our own wrong*, is a principle which would barely satisfy justice, of even the coarsest quality. It follows that every Rupee of the revenue of the ceded lands, exceeding the actual expences which the defence and the

management of the whole country cost us, should on this principle, have been restored to the Vizier.

It is not pretended that, in the preceding observations, the equity of the case before us is fully discussed. Much might be said on the political advantages which the Company are declared to have derived from the territorial cession, and on the abatement which, on that account, ought to have been made, in our demands; much also on other and similar topics; but it is impossible, within any reasonable limits, to particularise every item of injustice in our late negotiation with the Nabob Vizier. When due notice, however, is taken of the circumstance, that the whole of the arrangement of 1801 was avowedly *forced* on that prince, that we literally made our own terms with him, and that therefore this negotiation, of all others, should have been distinguished by peculiar delicacy and moderation on the part of the British Government; enough, unquestionably, has been said to establish the position, that, *whatever rights this Government possessed with respect to Oude, they exercised them in any spirit but that of equity.*

CHAP. V.

Conclusion of the Subject.

THE two principal grounds of defence, taken by the Bengal Government in this question, have now been examined, on the principles both of legal and of equitable justice; and if it has not been proved that, in every view, the conduct of that Government in negotiating the treaty of 1801 with the Nabob Vizier, was utterly indefensible, and that the arguments employed in vindicating it are as feeble, as the rapacity which dictated it was daring, the preceding pages have been strangely faithless to one of the strongest causes that was ever pleaded at the bar of reason and justice.

On a review of this discussion, there is one affecting consideration, which must force itself on every feeling and well-principled mind. It is this; that the arguments which have been so easily refuted in the closet, have proved but too powerful in the field; that though, on paper, they may be blown to pieces by a breath, they have been found strong enough to effect the subjugation of an

entire kingdom, and to reduce a Prince, whose sovereignty was guaranteed to him by the solemn promise of British faith and honour, to the wretched condition of a *crowned slave*.

It is rumoured, that this injured Prince has at length become satisfied with his lot. The wretch who, on the rack, has lost every vestige of the human shape, may live to smile again; but never, in the sacred name of the eternal principles of justice, let this be considered as an apology for the oppressor, or a palliation of the injury.

But it is not in behalf of the Vizier alone that this earnest application is made to the public feeling. The character and reputation of Great Britain have suffered a deep stain in the eyes of a whole continent. With the language of equity, truth, sincerity, and disinterestedness in our mouths, we have deliberately violated a treaty. With the specious profession of consulting the happiness of men, whose interests were not committed to our charge, we have in effect deposed a sovereign who was expressly under our protection. We have committed an act, which must diffuse deep distrust throughout the whole extent of Hindostan, alarm every independent sovereign for his safety, instil into the minds of our allies doubt and jealousy, shake the general authority of treaties, sanction the

impolitic policy of ambitious encroachment, and thus lay a foundation for future struggles and commotions, productive of miseries, infinitely overbalancing any local and contracted advantages which may have furnished the pretext for our conduct.

What can prevent their pestilent effects, or restore our lost credit, but a relinquishment of our unjust gains, and a reparation to the party injured? A decisive adoption of these measures, on so public a theatre as that of Hindostan, would be calculated to produce the most signal impression of British justice and virtue on the minds of the Princes in that quarter of the world, and, by reflecting back to this hemisphere our reputation in the East, would confirm every honourable title by which England claims to be *the Guardian of the liberties of Europe*.

APPENDIX A. *Page 16.*

It was thought not unadvisable to give the reader a sample of this negotiation between the Vizier and the Bengal Government; which will perhaps be done most effectually by submitting to him a letter from the former with the reply by the latter.

The Vizier communicated to Colonel Scott this paper, before its transmission to the Governor General. The Resident having represented to him that it was only a *draft* of a letter, and not written fair, his Excellency struck out with his pencil the usual heading and conclusion, and begged that it might be dispatched in that state, with

a view of giving information to the Bengal Government, respecting the sacrifices which, at their desire, he was disposed to make. The Governor General was highly offended at the form of this paper, and desired that a severe reply might be returned. The Vizier defended himself by stating, that he intended the paper only for his Lordship's "information," meaning, it may be presumed, that it was expressly an *unofficial* address. Whether this were a sufficient apology, especially in Asia which is generally considered as *the region of etiquette*, it is not perhaps easy to determine. It should be observed, however, that no reason can be assigned why his Excellency should intend any wanton affront to the British cabinet, and that Colonel Scott does not appear to have made any objection to the form in which this instrument was ultimately dispatched.

This letter, with so much of the one of Colonel Kirkpatrick's, as relates to it, may afford some idea of the *hauteur* uniformly discovered by one of the parties in this negotiation; and, as this was almost the only instance in which there seems to have been any colourable ground for assuming the language of hauteur, the citation of it cannot be considered as unjust toward the Bengal Government.

“ Translation of a Memorial presented on the 11th January, 1800, to Lieutenant Colonel WILLIAM SCOTT, Resident at Lucknow, by his Excellency the Nawaub Vizier.*

“ The real STATE of the CASE is as follows :

“ For these eighty and odd years these provinces have been under the most perfect and uncontrouled sway of my ancestors ; and from the time of my deceased father, Treaties of Amity have subsisted between the Honble. Company and this Government, by which the latter has been much strengthened.

“ During the life time of my late brother affairs between the two States went on as usual ; numerous were the enemies he had to contend with, and frequent were the disturbances and mutinies that took place amongst his soldiery ; nay, they even proceeded to such lengths, that during the late Rohilla war two complete battalions, as your Lordship may have heard, meditated going over to the enemy. Notwithstanding these circumstances it never once entered the imagination of the British Rulers to introduce the innovations, and carry into effect such arrangements as those now suggested by your Lordship.

* O. P. No. 3, p. 87.

“ Through the favour of the Company, and assisted by their power, I ascended my Hereditary Musnud ; and it being in all ages and countries the practice of powerful and liberal Sovereigns to spare neither expence nor trouble in assisting those whom they may once have taken under their protection, I, being solely dependent on the Honble. Company, and confidently trusting to their magnanimity and generosity, fully expected that during my Government the affairs of this Country would shine forth with a splendour beyond that of any of my predecessors.

“ The reputation of the Company will last until the day of Judgment.

“ God forbid that during my time any changes or degrading innovations should, without any cause, take place, or that the ancient servants of the family should, for the crimes and misconduct of a few worthless wretches, be deprived of their subsistence, and being turned on the world, disperse my infamy abroad ; whilst those who remain in my country, becoming my deadly foes, will disseminate enmity and distrust of me amongst those of my servants who may be retained, who will say among themselves, ‘ These people were dismissed yesterday, to-morrow our turn will come,’ until at

length the whole of my servants will become my inveterate enemies; from which predicament may God defend me.

“What affects me above all things is, that by acting thus, the credit and honour of the Company will suffer, and I myself shall no longer be held in estimation, either abroad, or in my own country. It will then become evident to every person, that the Company, no longer putting confidence in the sincerity of my friendship, deprived me of the direction of my own army, and spread their troops over my dominions.

“Should such an event take place, my authority in these provinces would be annihilated; nor would my orders be attended to on any occasion, whether trifling or of moment; whilst any extraordinary exertions in paying the Subsidy regularly would become labour thrown away.

“Making myself, however, sure that it never can have been your intention, or conformable to your Lordship’s wish, to distrust, degrade me, or lessen my authority in these Dominions, I shall, without ceremony, disclose to your Lordship my unfeigned sentiments and wishes. With the advice of, and in concert with the Company, I consider myself fully capable of carrying into effect every necessary

measure of Reform, and, through their kindness, I have neither fears nor apprehensions; reckoning it my indispensable duty, above every consideration, to satisfy and obey them, I shall never swerve a hair's breadth from the Treaty concluded with them on my ascending the Musnud; whilst, from their known good faith and strict adherence to Treaties, I am also certain that no breach of the said Treaty is intended on their part.

“ This premised, I must trouble your Lordship with a few remarks upon the Treaty above alluded to.

“ The second Article of the aforesaid Treaty sets forth, that ‘ By existing Treaties between the ‘ States, the Honble. Company are bound to defend the Dominion of the said Nawaub Vizier ‘ against all enemies; and, with a view to enable ‘ them to fulfil this engagement, the Company ‘ have largely increased their Military Establishment by new levied regiments, both of infantry ‘ and cavalry; in consideration whereof the aforesaid Nawaub agrees, in addition to the annual ‘ Subsidy, being Lucknow Rs Rupees 5677638, ‘ to pay the farther sum of 1922362 Rs. making ‘ altogether the sum of seventy-six Lacks of Rupees of the present weight and standard.’

“ By a reference to this article it will be evident to your Lordship, that, on my accession to the Musnud, the force designed for the defence of these dominions was increased beyond what it had been on any former period, whilst on my part I agreed to defray the expence of the said augmentation; but in no part of the said article is it written or hinted, that after the lapse of a certain number of years a further permanent augmentation should take place; and to deviate in any degree from the said Treaty appears to me unnecessary.

“ The 7th article of the same Treaty states, that
‘ The Governor General, Sir John Shore, bart.
‘ on the part of the Company agrees, that the
‘ English forces maintained in the country of Oude
‘ for its defence, shall never consist of less than
‘ 10000 men, including Europeans and natives,
‘ cavalry, infantry, and artillery; and if it should
‘ become necessary to augment the troops of the
‘ Company, in Oude, beyond the number of
‘ 13000 men, including European and natives,
‘ cavalry, &c. &c. the Nawaub Vizier above-
‘ mentioned agrees to pay the actual difference,
‘ occasioned by the excess above the number; and
‘ in the same manner if the troops of the Company
‘ in Oude, from any necessity should be less than
‘ 8000 men, including infantry, &c. &c. &c. a
‘ deduction shall be made from the annual stipend

‘ of seventy-six Lacks, equal to the actual difference of men below the specified number.’

“ From an inspection of this article we learn, that after the conclusion of the Treaty in question, no further augmentation is to be made, excepting in cases of necessity; and that the increase is to be proportioned to the emergency, and endure but as long as the necessity exists. An ‘ augmentation of the troops without existing necessity, and making me answerable for the expence attending the increase,’ is inconsistent with treaty, and seems inexpedient.

“ By the same article, the increase of the force when necessity requires, and a corresponding deduction from the stipend, when a reduction of the army takes place, are evident.

“ Towards the latter end of the 17th article it is stipulated, ‘ That all transactions between the two States shall be carried on with the greatest cordiality and harmony; and that the said Nawaub shall possess full authority over his household affairs, hereditary dominions, his troops, and his subjects.” Should the management of the army be taken from under my direction, I ask where is my authority over my household affairs, hereditary dominions, over my troops and my subjects ?

“ From the above considerations, and from the magnanimity of the Sircar of the English Company, I am induced to expect from your Lordship’s kindness, that, putting the fullest trust and confidence on my friendship and attachment on every occasion, you, in conformity to the treaty, leave me in possession of the full authority over my dominions, army, and subjects; and further, I have to request that you would enjoin Lieutenant Colonel Scott to advise and consult with me, when, (with that Gentleman’s assistance) God willing, the necessary military arrangements shall speedily be made, and the whole of my troops become henceforth obedient, submissive, and ready for action; whilst, indebted to your Lordship’s kindness, I myself shall continue obedient to your commands, consulting your pleasure in all things.

“ The fame of the Company will, by these means, be diffused over the face of the earth; and, my reputation increasing, I shall continue to offer up prayers for the prosperity of the Company.

“ Thus, with the freedom of friendship, I have exposed to your Lordship the secrets and wishes of my heart. The delay that has occurred in answering your Letter, was occasioned by my wish to give you in detail the whole of my desires;

your friendship leaves no doubt of your Lordship's compliance with them.

“ A true translation,

“ Lucknow, “ (Signed) *Wm Yule*, Assistant.”
 “ 12 January, 1890.”

“ From Colonel Kirkpatrick,
 To Lieutenant Colonel William Scott,
 Resident at Lucknow.*

“ Sir,

“ Para. 1. Your letter of the 12th instant, with its several inclosures, has been received by the Right honourable the Governor General.

2. “ His Lordship not thinking proper to receive, in its present form, the written communication made to you by the Nabob Vizier on the 11th instant, as an answer to his Lordship's letter of the 5th of November last to his Excellency, directs that you lose no time in returning the original of that communication to his Excellency, accompanying the delivery of it with the following observations, in the name of the Governor General.

“ 3. The mode adopted in the present instance by his Excellency, of replying to a public letter from the Governor General, attested by his Lordship's

seal and signature, and written on a subject of the most momentary concern to the mutual interests of the Company and of his Excellency, besides indicating a levity totally unsuitable to the occasion, is highly deficient in the respect due from his Excellency to the first British authority in India.

“ 4. His Lordship, therefore, declines making any remarks on the paper which you have transmitted, and desires that the Nabob Vizier may be called on to reply to his Lordship's letter of the 5th of November, in the manner prescribed, no less by reason than by established usage. If, in formally answering his Lordship's letter, his Excellency should think proper to impeach the honour and justice of the British Government, in similar terms to those employed in the paper delivered to you on the 11th instant, the Governor General will then consider how such unfounded calumnies and gross misrepresentations, both of facts and arguments, deserve to be noticed.”

How this letter of Colonel Kirkpatrick's was received by the Vizier, to whom Colonel Scott had express orders to communicate it, and what advantage was taken of the whole incident, the following extracts from a letter of Colonel Scott's* will shew. It is unnecessary to make any comment upon them.

* O. P. No. 3, p. 92.

“ Para. 3. His Excellency discovered considerable agitation in the perusal of the paper, and after thoroughly comprehending its tendency, which he either did not, or affected not to understand, until I had explained to him the allusions and references of several passages; he expressed very poignant regret at having unintentionally, as he affirmed, drawn upon himself such solemn animadversions from your Lordship.

“ 4. It would, his Excellency observed, be the extreme of ingratitude and folly, wantonly to provoke the displeasure of that Power on which alone he relied for the preservation of his honour, and the support of his authority. He attempted to apologize for the paper, by saying, that he meant it merely as a representation of arguments which might be produced, and not as a formal declaration of his own sentiments, and on that account had adopted the mode which your Lordship had viewed in so exceptionable a light.

“ 8. I entertain strong hopes, that the strain of reproof and admonition adopted by your Lordship will make a due impression on his Excellency's mind; and I beg to assure your Lordship, that it shall be my invariable study, by a firm, and even tenacious, but plain, line of conduct, in

all my transactions with his Excellency, to draw the best effects from that impression, and to preserve it unimpaired."

Appendix (B) page 89.

"Treaty between the Nawab Vizier, Saadut Ali Khan Behader, and the Honourable the English East India Company; 21st February 1798.

"WHEREAS various treaties have been concluded at different times between the late Nawaub Sujah ud Dowlah Behader, and the Nawab Asoph ud Dowlah Behader, and the Honourable the English East India Company, to the mutual advantage of their respective dominions: The Nawab Vizier ul Mornaluk, Yeemen ud Dowlah, Nazim ul Mulk, Saadat Ali Kahn Behader, Mobariz Jung, and Sir John Shore, Baronet, on the part of the Honourable the East India Company, with the view to perpetuate the amity subsisting between the two states, and the advantages reciprocally resulting from it, now agree to the following articles :

"First. — That the peace, friendship, and union, so long subsisting between the two states, shall be perpetual; the friends and enemies of either shall be friends and enemies of both; and the contracting parties agree, that all the former treaties and

agreements between the two states, now in force, and not contrary to the tenor of this engagement, shall be confirmed by it.

“ Second.—By the existing treaties between the states, the Honourable the East India Company are bound to defend the dominions of his Highness the Nawaub Saadut Ali Kahn against all enemies ; and with a view to enable them to fulfil this engagement, and at the same time to provide for the protection of their own dominions, the English Company have largely increased their military establishment by the addition of new-levied regiments, both of infantry and cavalry, the Nawaub Saadut Ali Kahn, in consideration thereof, agrees, in addition to the annual subsidy paid by the late Nawaub Asoph ul Dowlah to the English Company, being Rupees fifty-six Lacs seventy-seven thousand six hundred and thirty-eight ; to pay in perpetuity the further sum of Rupees nineteen Lacs, twenty-two thousand three hundred and sixty two, making all together the sum of seventy six Lacs of Rupees. The said Rupees to be Oude Sicca Rupees of the present weight and standard.

“ Third.—The above subsidy of Oude Sicca Rupees seventy-six Lacs, is to commence from the 21st of January one thousand seven hundred and ninety-eight, the date of the accession of the Nabob Saa-

dit Ali Kahn to the Musnud of Oude; and the said Nabob engages that it shall be punctually discharged month by month, as it becomes due in sums of Oude Sicca Rupees, six hundred and thirty-three thousand three hundred and thirty nine, five Anas, four Pice, of the present weight and standard, according to the Kistbundy annexed.

“ Fourth.—That the arrears of subsidy due upon former engagements to the twenty-first of January one thousand seven hundred and ninety-eight also, be immediately discharged.

“ Fifth.—The Nabob Saadit Ali Khaun agrees that annual allowance of one Lac fifty thousand Oude Sicca Rupees be made to Vizier Ali Khan; and agrees to pay the amount, by monthly Kists or twelve thousand five hundred Rupees, to the English Company, who will pay the same to Vizier Ali Kahn, as long as he shall continue to reside in the dominions of the English Company.

“ Sixth.—The stipends to the Begums and Princes at Benares, amounting to Rupees two Lacs four thousand per annum, and the Furruchabad pensions, amounting to Rupees twenty-three thousand six hundred and thirty-eight, are included in the above sum of seventy-six Lacs of Oude Sicca Rupees.

“ Seventh.—The Governor General, Sir John Shore, Baronet, on the part of the East India Company, agrees that the English forces maintained in the country of Oude for its defence, shall never consist of less than ten thousand men, including Europeans and natives, cavalry, infantry and artillery, ; and if at any time it should become necessary to augment the troops of the Company in Oude, beyond the number of thirteen thousand men, including Europeans and natives, infantry, cavalry, and artillery, the Nabob Saadut Ali Khaun agrees to pay the actual difference occasioned by the excess above that number ; and in the same manner if the troops of the Company in Oude, from any necessity, should be less than eight thousand men, including infantry, cavalry, artillery, natives and Europeans, a deduction shall be made from the annual stipend of seventy-five Lacks of Rupees, equal to the actual difference of men below the specified number.

“ Eighth.—As the English Company are not possessed of any fortress in the dominions of Oude, the Nabob Saadit Ali Khaun, having the fullest reliance on the friendship of the English Company, agrees to make over to their exclusive possession the fort of Allahabad, with all its buildings and appurtenances, and the Gauts immediately depen-

dent upon the fort, together with as much land surrounding the fort, as may be necessary for the purpose of an esplanade, the Company agreeing to be answerable to the Nabob for the amount of the revenues collected from the said Gauts; the said Nabob also agrees to advance to the Company such a sum as may be necessary for strengthening and improving the fortifications of this fort, provided that it do not exceed the sum of eight Lacs of Oude Sicca Rupees; and that the said amount or actual amount of the expenditure, not exceeding eight Lacks of Rupees shall be paid to the Company within two years from the date of this treaty, in such proportions as may be required for defraying the expence to which it is applicable; and the said Nabob Saadut Ali Khan, for the same reasons, further agrees to advance the English Company, for the purpose of repairing the fort of Futtyghur, within six months from the date of this engagement, a sum not exceeding in the whole three Lacks of Oude Sicca Rupees.

“ Ninth.—If for the better protection and defence of the dominions of the Nabob Saadut Ali Khan, it should be deemed advisable to change the present stations of the troops at Cawnpore and Futtyghur, the Nabob Saadut Ali Khan consents thereto, and that the troops shall be stationed in such places as may be judged most adviseable and convenient,

and that he will defray the expence attending their removal, and making cantonments for the troops.

“ Tenth.—As the English Company have incurred a considerable expence by their exertions in establishing the right of the Nabob Saadut Ali Khan, the said Nabob agrees in consideration thereof, to pay the Company the sum of twelve Lacks of Oude Sicca Rupees.

“ Eleventh.—As the payment of the Company's troops in Oude, depends upon the regular discharge of the subsidy stated in the second and third articles of the treaty, the said Nabob engages to exert his utmost endeavours to discharge the stipulated Kists with punctuality; but if contrary to the sincere intentions and exertions of the said Nabob the payment of the Kists should fall into arrears, the said Nawaub Saadut Ali Khan engages and promises that he will then give such security to the Company, for the discharge of the existing arrears and the future regular payment of the Kists, as shall be deemed satisfactory.

“ Twelfth.—Whereas by the engagement now entered into between the Nawaub Vizier and the Company the amount of the subsidy is considerably increased, and many other permanent charges upon

his Excellency are incurred ; on a comparison of his disbursements with the assets of his country, it becomes necessary to make such reductions in the superfluous charges of the public establishments, servants, &c. as may be requisite, and are consistent with his Excellency's dignity and convenience, To that end the said Nabob agrees to consult with the Company's Government, and in concert with them devise the proper objects of such reductions, and the best means of effecting them.

“ Thirteenth.—As the political interests of the Nabob Saadut Ali Khan and the English Company are the same, it is expedient and agreed, that all correspondence between the Nabob Saadut Ali Khan, and any foreign power and state, shall be carried on with the knowledge and concurrence of the Company ; and the Nabob Saadut Ali Khan agrees and promises that no correspondence contrary to the tenor of this article shall be carried on by him.

“ Fourteenth.—As the stipulations in the commercial treaty between the two States have not been enforced with due attention, particularly in the dominions of the Nabob Vizier, the contracting parties agree to exert their utmost endeavours to give force and effect to them.

“ Fifteenth.—The Nabob Saadut Ali Khan engages and promises that he will not entertain any Europeans of any description in his service, nor allow any to settle in his country, without the consent of the Company.

“ Sixteenth.—The Nabob Saadut Ali agrees that a suitable maintainance shall be provided for the reputed children of his brother, the late Nabob Asoph ul Dowlah; and willingly promises, to take them under his protection.

“ Seventeenth.—The Nabob Vizier ul Momalik Saadut Ali Khan Behauder, for himself and his heirs, and the Governor General Sir John Shore, Baronet, on the part of the East India Company, respectively promise to observe, sincerely and strictly, all the articles contained and settled in the present Treaty, and they both agree, that they will give the greatest attention to maintain, between themselves, their dominions and their subjects, this present Treaty, and all the articles settled by it; that all transactions between the two States shall be carried on with the greatest cordiality and harmony on both sides; and that the said Nabob shall possess full authority over his household affairs, hereditary dominions, his troops, and his subjects.

Kistbundy (or Instalment) for the Payment of the Annual Subsidy..

1st Kist for the month of January, payable on the 1st Feb.	633,333	5	4
2d ditto for February - - ditto the 1st March -	633,333	5	4
3d ditto for March - - ditto the 1st April -	633,333	5	4
4th ditto for April - - ditto the 1st May -	633,333	5	4
5th ditto for May - - ditto the 1st June -	633,333	5	4
6th ditto for June - - ditto the 1st July -	633,333	5	4
7th ditto for July - - ditto the 1st August -	633,333	5	4
8th ditto for August - - ditto the 1st September -	633,333	5	4
9th ditto for September - - ditto the 1st October -	633,333	5	4
10th ditto for October - - ditto the 1st November -	633,333	5	4
11th ditto for November - - ditto the 1st December -	633,333	5	4
12th ditto for December - - ditto the 1st January -	633,333	5	4

Total S.R. 76,000,000

Signed and Sealed by Sir John Shore, on the part of the Company, and the Seal of Nawab Saadut Ali Khan, affixed to the Persian Copy.

A true Copy

21st February 1798.

(Signed)

G. H. Buxton
Secretary to Govt.

Treaty between the Honourable the East India Company and his Excellency the Nawaub Vizier, Ool Mumaulick Yemeen ool Dowlah, Nazim ool Moolk Saadut Alli Khan Bahauder Mobaurez Jung, for ceding to the Company, in perpetual Sovereignty, certain portions of his Excellency's territorial possessions, in commutation of the subsidy now payable to the Company by the Vizier:

WHEREAS by the treaty now subsisting between his Excellency the Vizier and the Honourable the East-India Company, the Company have engaged to defend his Excellency's dominions against all enemies; and, to enable them to fulfil that en-

engagement his Excellency is bound by the aforesaid treaty to pay to the Company, in perpetuity, the annual subsidy of seventy-six Lacks of Lucknow Sicca Rupees; and is further bound by the said treaty to defray the expence of any augmentation of Force, which, in addition to the number of troops stipulated in the treaty, shall be judged necessary to enable the Company to fulfil their engagements of defending his Excellency's dominions against all enemies: And whereis it is advisable that the funds for defraying these charges be established on a footing which shall admit of no fluctuation of either increase, or decrease, and which shall afford satisfaction and security to the Company, in regard to the regular payment in perpetuity of all such charges; the following treaty, consisting of ten Articles, is concluded on the one part by the Honourable Henry Wellesley and Lieutenant-Colonel William Scott, on behalf and in the name of his Excellency the most noble the Marquis Wellesley, K. P. Governor-General for all affairs, civil and military, of the British nation in India, by virtue of full power vested in them for this purpose by the said Governor-General, and on the other part by his Excellency the Nawaab Vizier, Ool Mumaulik Yemeen oo Dowlah, Na-

zim ool Moolk Saadut Alli Khan Bahauder Mowla Jung, in behalf of himself and his heirs and successors, for ceding to the Honourable the English East-India Company, in perpetual sovereignty, certain portions of his Excellency's territorial possessions, in commutation of the former and augmented subsidy, and of all other sums of money now chargeable to his Excellency on account of the Company's defensive engagement with his Excellency.

Article First.—His Excellency the Nawaub Vizier hereby cedes to the Honourable the East-India Company, in perpetual sovereignty, the under-mentioned portions of his territorial possessions, amounting in the gross revenue to one Crore and thirty-five Lacks of Rupces, including expences of collections, in commutation of the subsidy of the expences attendant on the additional troops, and of the Benares and Furruckabad pensions.

Statement of the Jumma:

Chucklah Corah, Kurnah, and Chucklan					
Etawah	-	-	-	55,18,577	11 9
Rehr and others	-	-	-	5,33,370	— 6
Furruckabad and others	-	-	-	4,50,001	— —
Khairbaghu and others	-	-	-	2,10,001	— —
Azimghur and others—					
Azimghur, Mownaut, }	-	-	-	7,95,624	7 6
Bunjun	-	-	-		
Goruckpore and others, and Butwal—					
Goruckpore, &c.	5,09,853	8	—	5,49,854	8 —
Butwal	40,001	—	—		
Soubah of Allahabad and others	-	-	-	9,31,963	1 3
Chuckla, Bareilly, Asohabad, & Kilpoory	-	-	-	43,13,457	11 3
Nawaub Gunje, Rehly and others	-	-	-	1,19,242	12 0
Mohaul and others, with the exception of					
the Talook of Arwal	-	-	-	1,68,378	4 —
Total Jumma Lucknow S ^r R				1,35,23,474	8 3

The above-mentioned Mohauls being ceded to the Honourable Company, as held by the Mughals in the year 1208 Fusli, no claims are to be made after made on account of villages or land which in former years may have been added to or separated from the said Mohauls.

Article Second.—The subsidy, which by the second article of the treaty of 1798, his Excellency engaged to pay to the Company (now that territory is assigned in lieu thereof and of the expenses of

the additional troops) is to cease for ever; and his Excellency is released from the obligation of defraying the expences of any additional troops which at any time may be required for the protection of Oude and its dependencies, whether of the countries ceded to the Company, or the territories which shall remain in the possession of his Excellency the Vizier.

Article Third.—The Honourable the East-India Company hereby engage to defend the territories which will remain to his Excellency the Vizier against all foreign and domestic enemies; provided always, that it be in the power of the Company's Government to station the British troops in such parts of his Excellency's dominions as shall appear to the said Government most expedient; and provided further, that his Excellency, retaining in his pay four battalions of infantry, one battalion of Nijahs and Mewalties,* two thousand horsemen, and to the number of 500 Goolindauz, shall disband the remainder of his troops, excepting such numbers of armed Peons as shall be deemed necessary for the purpose of the collections, and a few horsemen and Nijahs to attend the persons of the Amils.

Article Fourth.—A detachment of the British troops, with a proportion of artillery, shall at all times be attached to his Excellency's person.

Article Fifth.—That the true intent and meaning of the first, second, third, and fourth articles of the treaty may be clearly understood, it is hereby declared, that the territorial cessions being in lieu of the subsidy, and of all expences on account of the Company's defensive engagements with his Excellency, no demand whatever shall be made upon the territory of his Excellency on account of expences which the Honourable Company may incur by assembling forces to repel the attack or menaced attack of a foreign enemy, on account of the detachment attached to his Excellency's person, on account of troops which may occasionally be furnished for suppressing rebellions or disorders in his Excellency's territories, on account of failure in the resources of the ceded districts, arising from unfavourable seasons, the calamities of war, or any other cause whatsoever.

Article Sixth.—The territories ceded to the Honourable Company by the first article of this treaty shall be subject to the exclusive management and controul of the said Company and their officers; and the honourable the East-India Company hereby guarantee to his Excellency the Vizier

and to his heirs and successors, the possession of the territories which will remain to his Excellency after the territorial cession, together with the exercise of his and their authority within the said dominions. His Excellency engages that he will establish in his reserved dominions such a system of administration (to be carried into effect by his own officers) as shall be conducive to the prosperity of his subjects, and be calculated to secure the lives and property of the inhabitants; and his Excellency will always advise with, and act in conformity to the counsel of the officers of the said Honourable Company.

Article Seventh.—The districts ceded by the first article of this treaty shall be delivered over to the Company's officers, from the commencement of the Fusli year 1209, corresponding with the 29th September, A.D. 1801, and his Excellency will continue to pay the subsidy and expence of the additional troops, from his treasury, in the same manner as hitherto observed, until the Company's officers shall have obtained complete possession from his Excellency's officers of the countries so ceded. The Company will not claim any payment of subsidy from his Excellency's treasury after their officers shall have obtained possession of the said districts from the officers of his Excellency.

APPENDIX

* Article Eighth.—The Contracting Parties, with a view of establishing such a commercial intercourse between their respective dominions as shall be mutually beneficial to the subjects of both States, hereby agree to frame a separate Commercial treaty. In the mean time it is agreed that the navigation of the Ganges, and of all other rivers where they may form the mutual boundary of the two States shall be free and uninterrupted, that is to say, that no boats passing up and down the Ganges, or other rivers, where they form the mutual boundaries of both States, shall be stopped or molested for duties; nor shall any duties be exacted from boats which put to in the possessions of either of the Contracting Parties without intention of landing the goods. It shall, however, be in the power of both Governments to levy such duties as they may think proper on goods imported into or exported from their respective dominions, not exceeding the present usage. It is further stipulated, that no exemption from duties on articles purchased in His Excellency's reserved dominions, for the consumption of the troops stationed within the Ceded Territories, shall be claimed after they shall have been delivered over to the Company's Officers.

Article Ninth.—All the Articles of former Treaties, for establishing and cementing the union and friendship subsisting between the two States, are to continue in full force; and all the Articles of the

APPENDIX.

Treaty concluded by the late Governor General Sir John Shore, on the part of the Honourable the East India Company and his Excellency the Vizier in the year 1798, not annulled by this Treaty, are to remain in force and continue binding upon both contracting parties.

Article Tenth.—This Treaty, consisting of ten articles, having been settled and concluded in the City of Lucknow on the tenth of November, in the year of our Lord 1801, corresponding with the second of the month of Rejeb of the year 1216 Hegira, the Honourable Henry Wellesley and Lieutenant Colonel Scott have delivered to the said Vizier one copy of the same in English and Persian, sealed and signed by them, and his Excellency the Vizier has delivered to the Honourable Henry Wellesley and Lieutenant Colonel William Scott, another copy also in English and Persian, bearing his seal and signature, and the Honourable Henry Wellesley and Lieutenant Colonel Scott engage to sign and deliver to his Excellency the Vizier, within the space of thirty days, a copy of the same under the seal and signature of his Excellency the Most noble the Governor General, when the copy under their seal and signature shall be returned.

